

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

and

NATURAL RESOURCES DEFENSE  
COUNCIL, INC. AND SIERRA CLUB,

Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND  
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.  
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF MOTION *IN LIMINE* TO  
EXCLUDE THE OPINIONS OF EDWARD ROTHMAN**

**APPENDIX A:  
INDEX OF EXHIBITS**

- Ex. 1 Deposition Transcript of Edward Rothman (July 20, 2011) -- **Filed Under Seal**
- Ex. 2 Expert Report of Dr. Edward D. Rothman (Apr. 22, 2011) -- **Filed Under Seal**
- Ex. 3 Expert Report of Philip Hayet (Apr. 22, 2011) -- **Filed Under Seal**
- Ex. 4 Rothman Spreadsheet (EROTH\_DTE000008)
- Ex. 5 Rebuttal and Supplemental Expert Report of Philip Hayet (July 5, 2011 revised)  
-- **Filed Under Seal**
- Ex. 6 Surrebuttal Expert Report of Mike King (Aug. 1, 2011) -- **Filed Under Seal**

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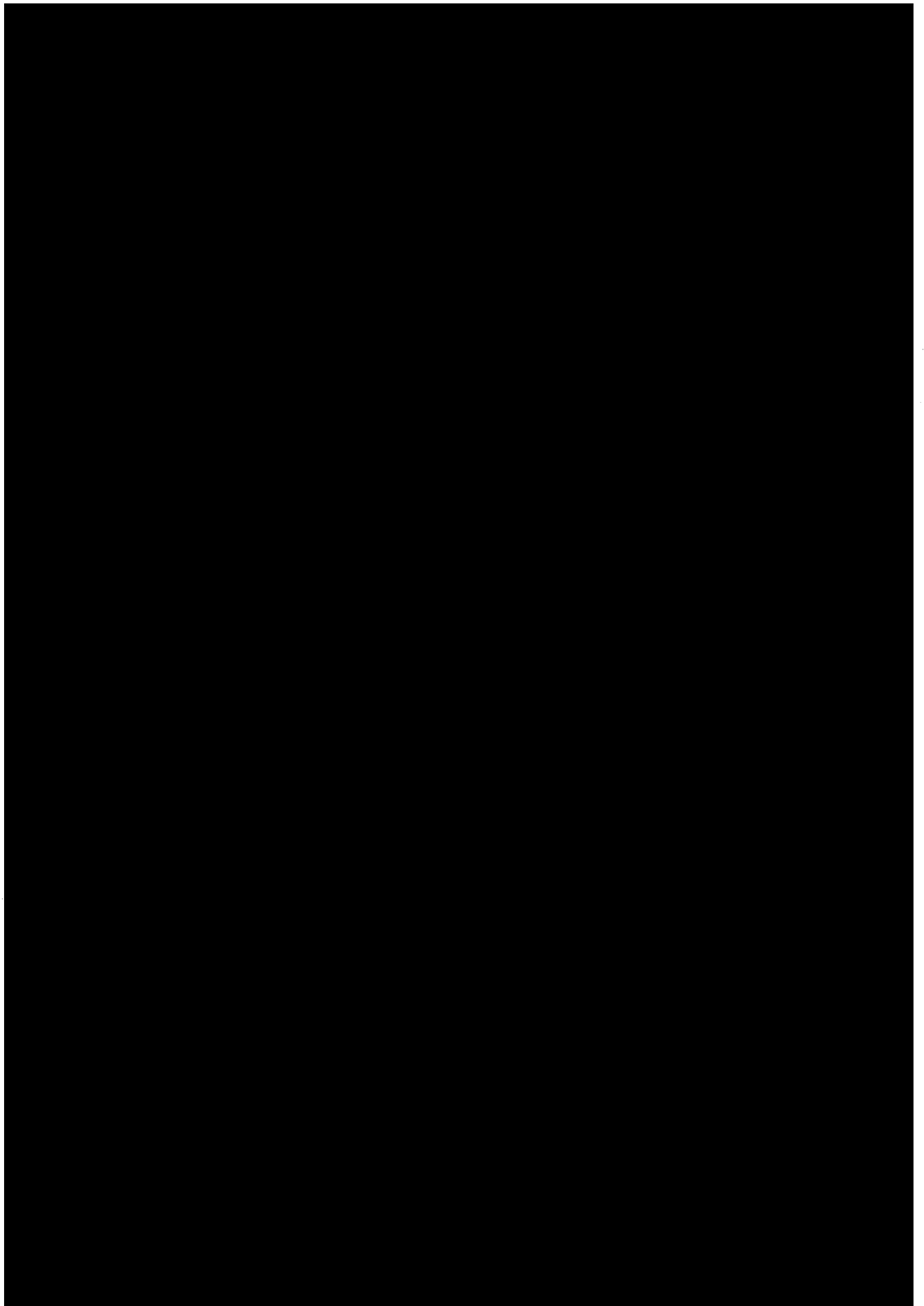
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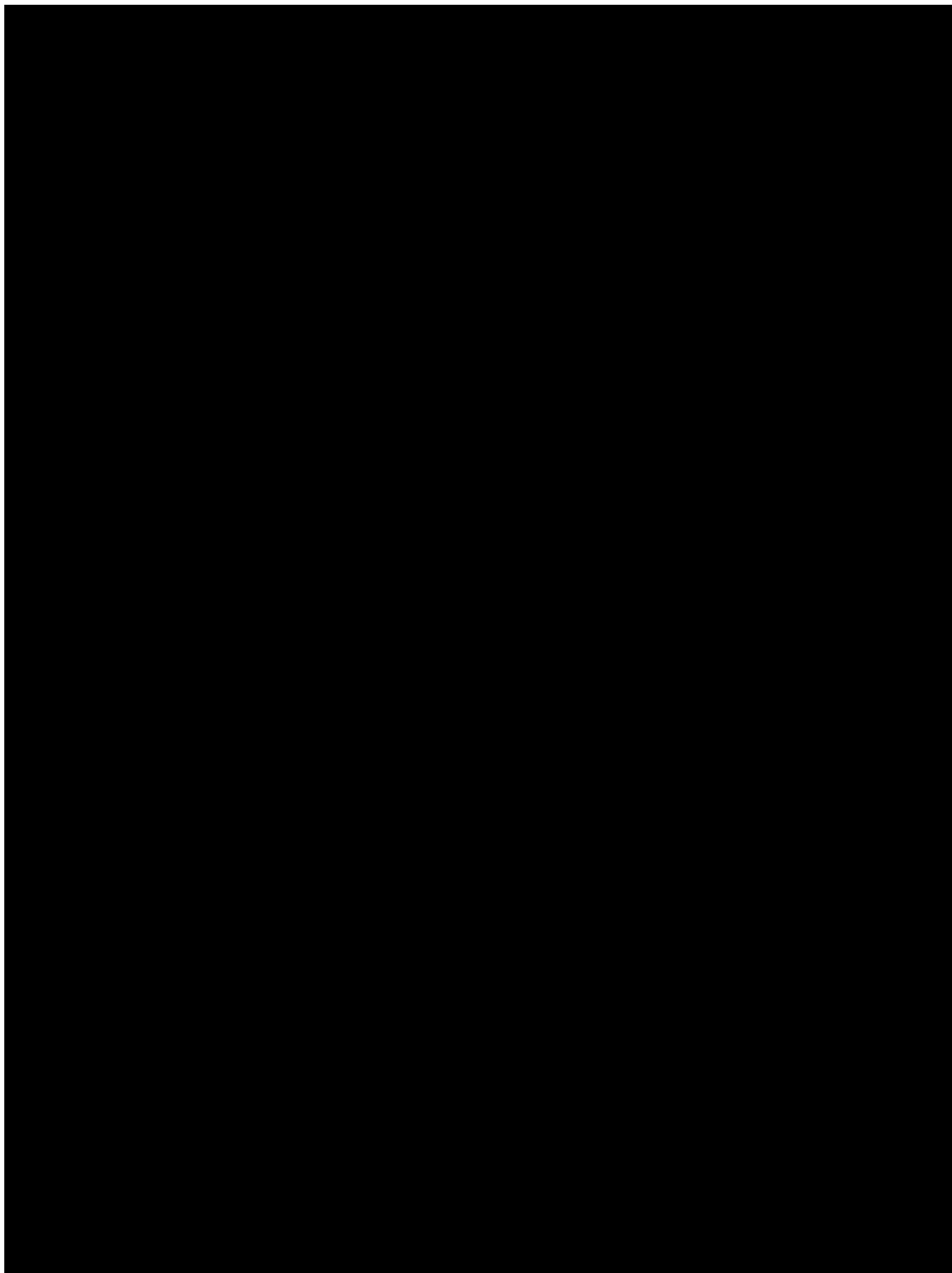
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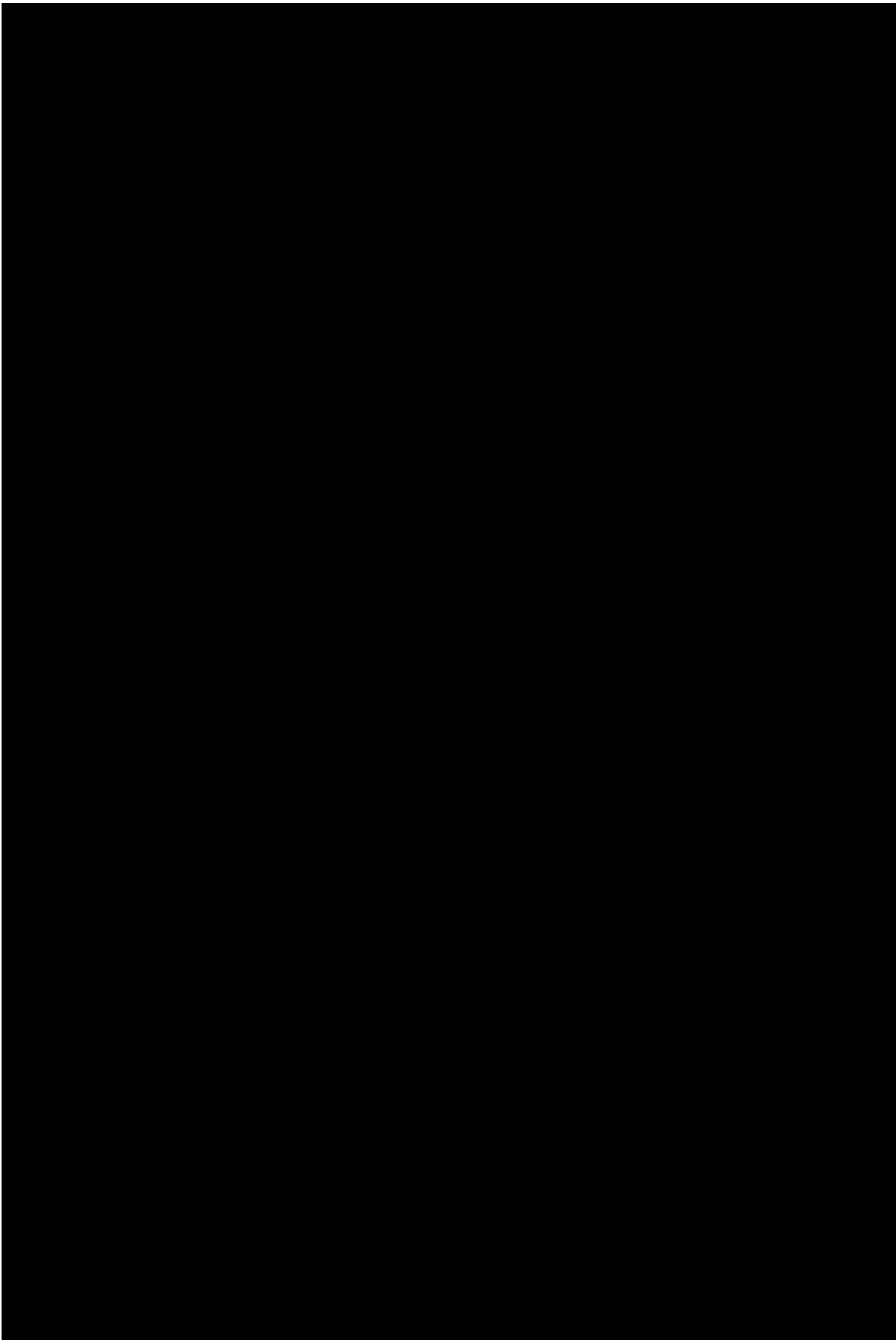
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CONFIDENTIAL/TRADE SECRET - SUBJECT TO PROTECTIVE ORDER**

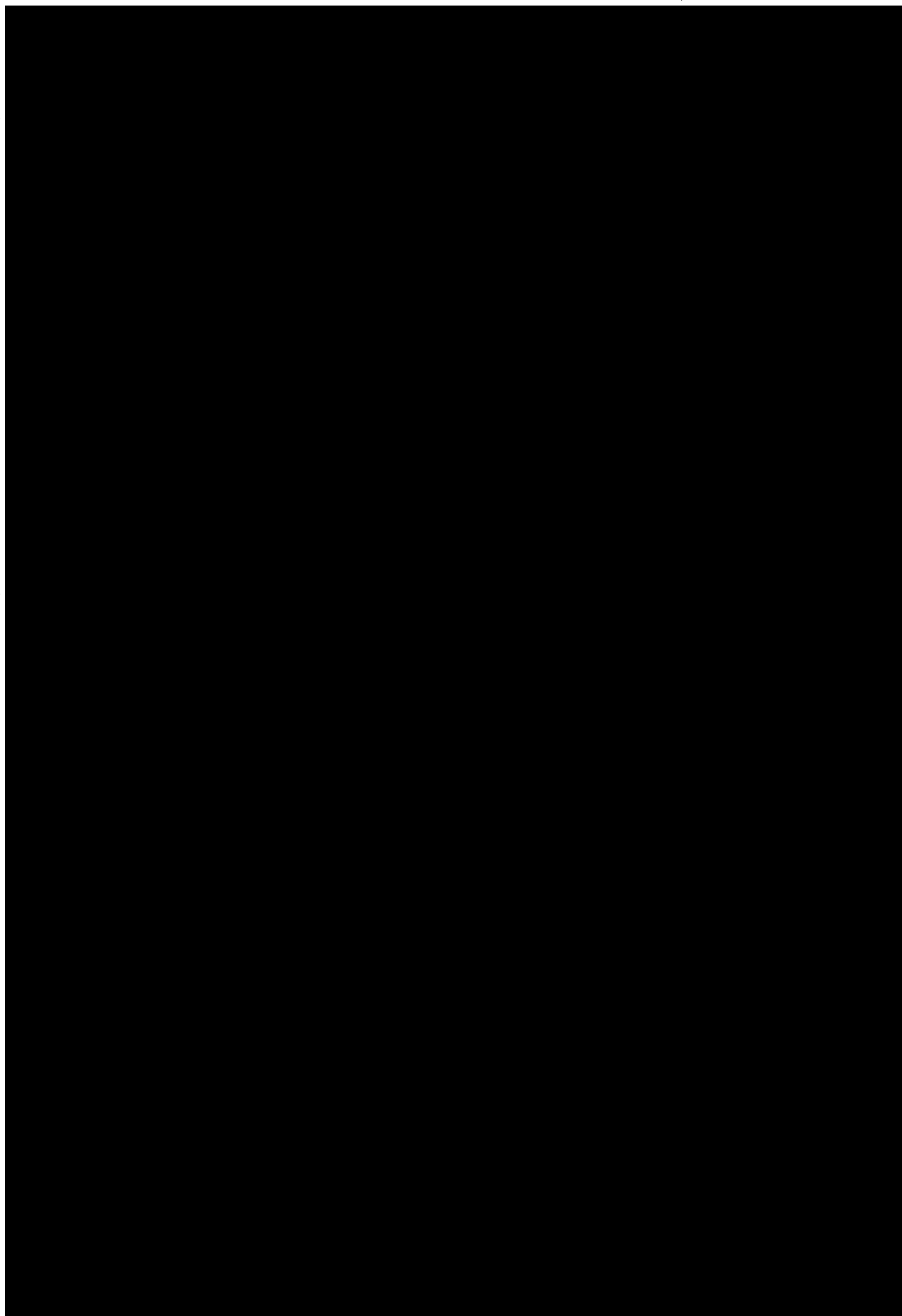
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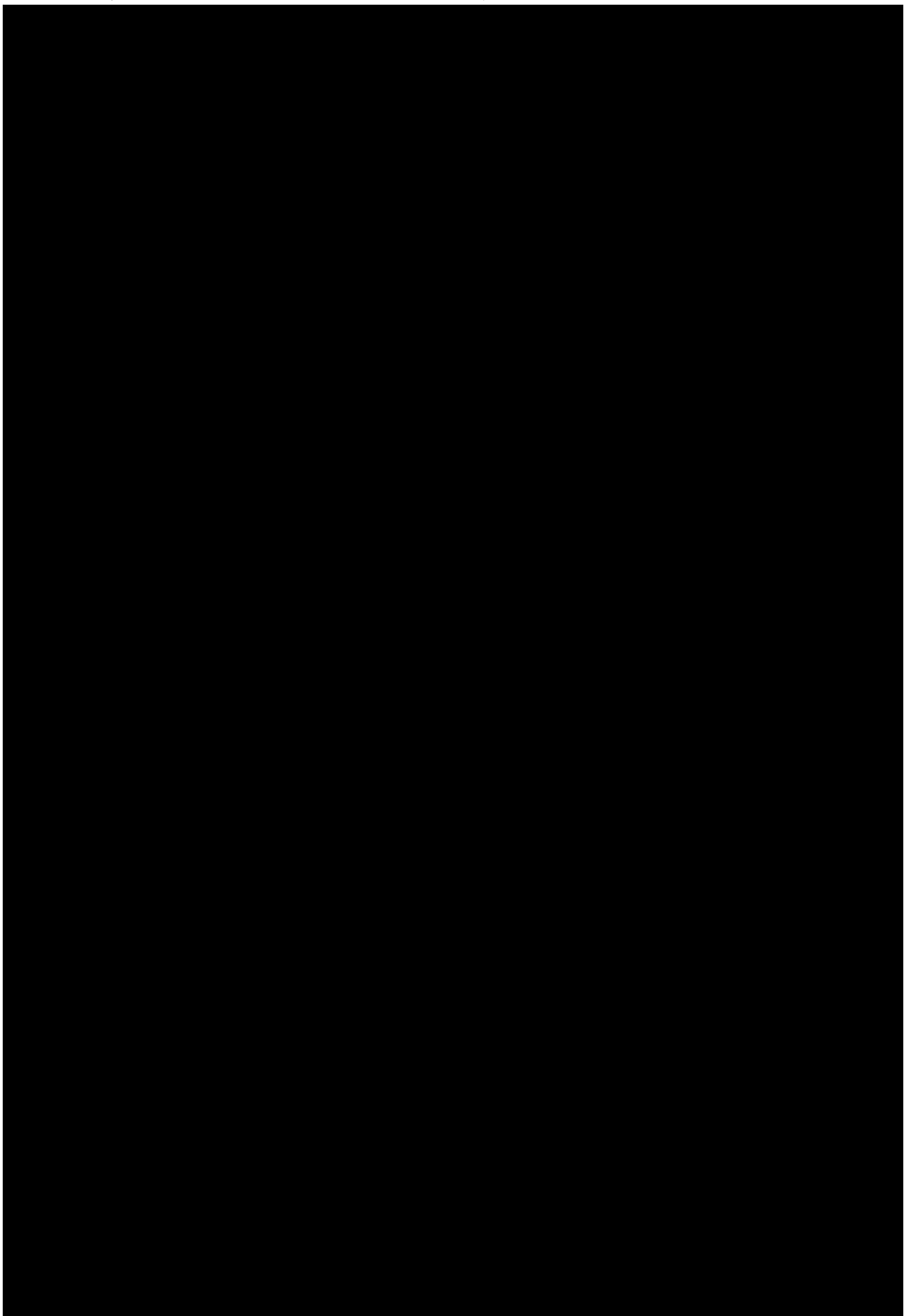
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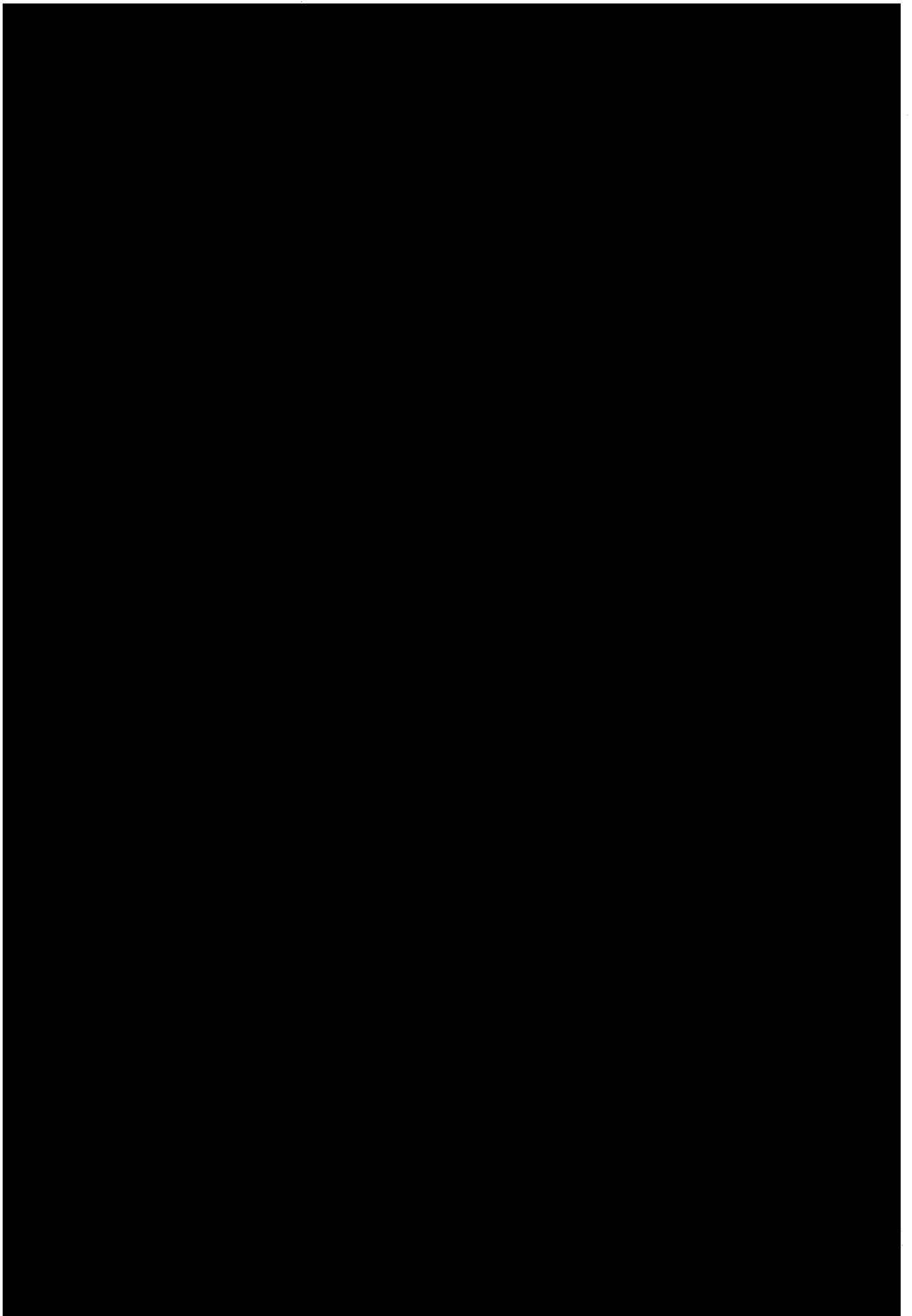




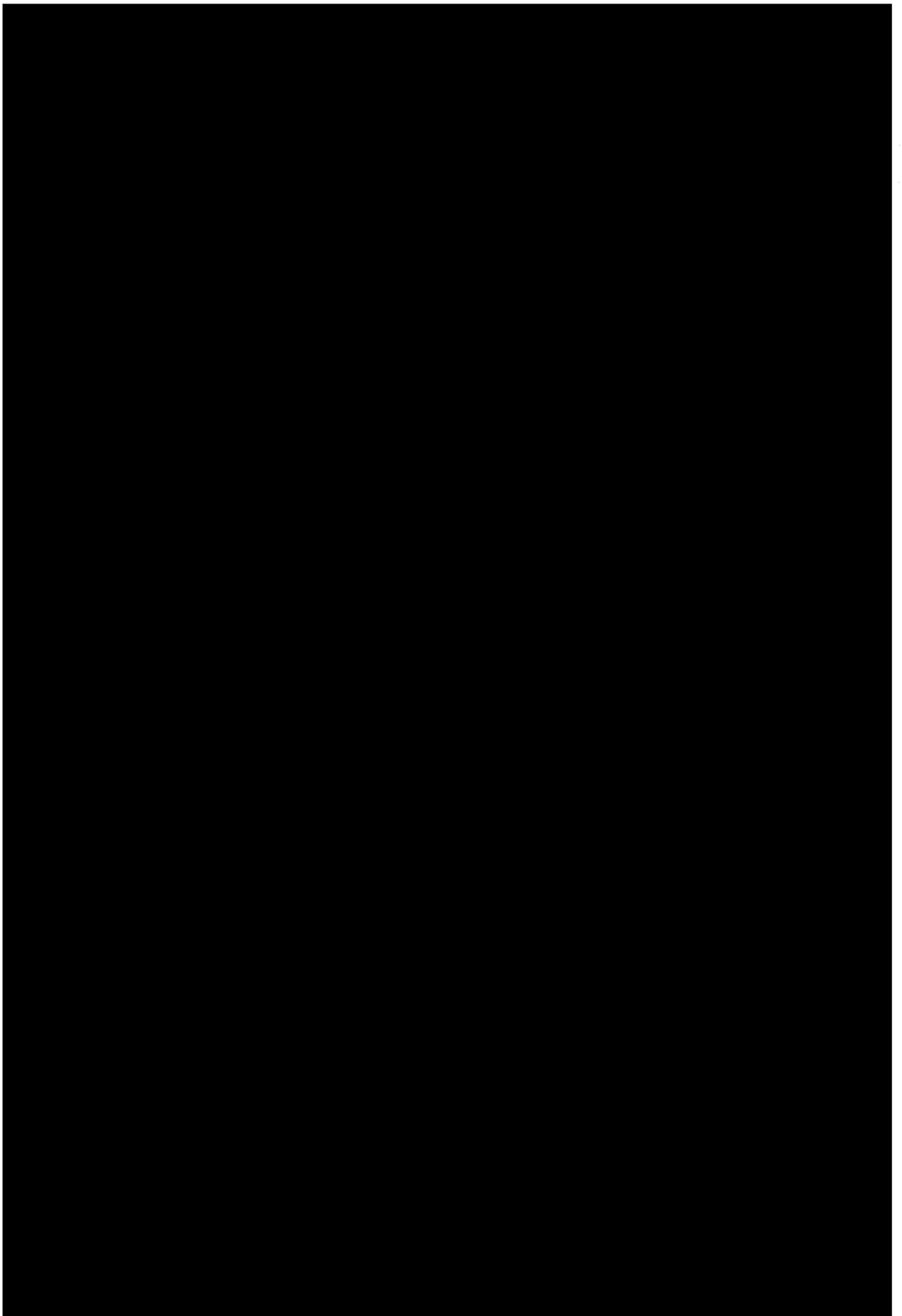


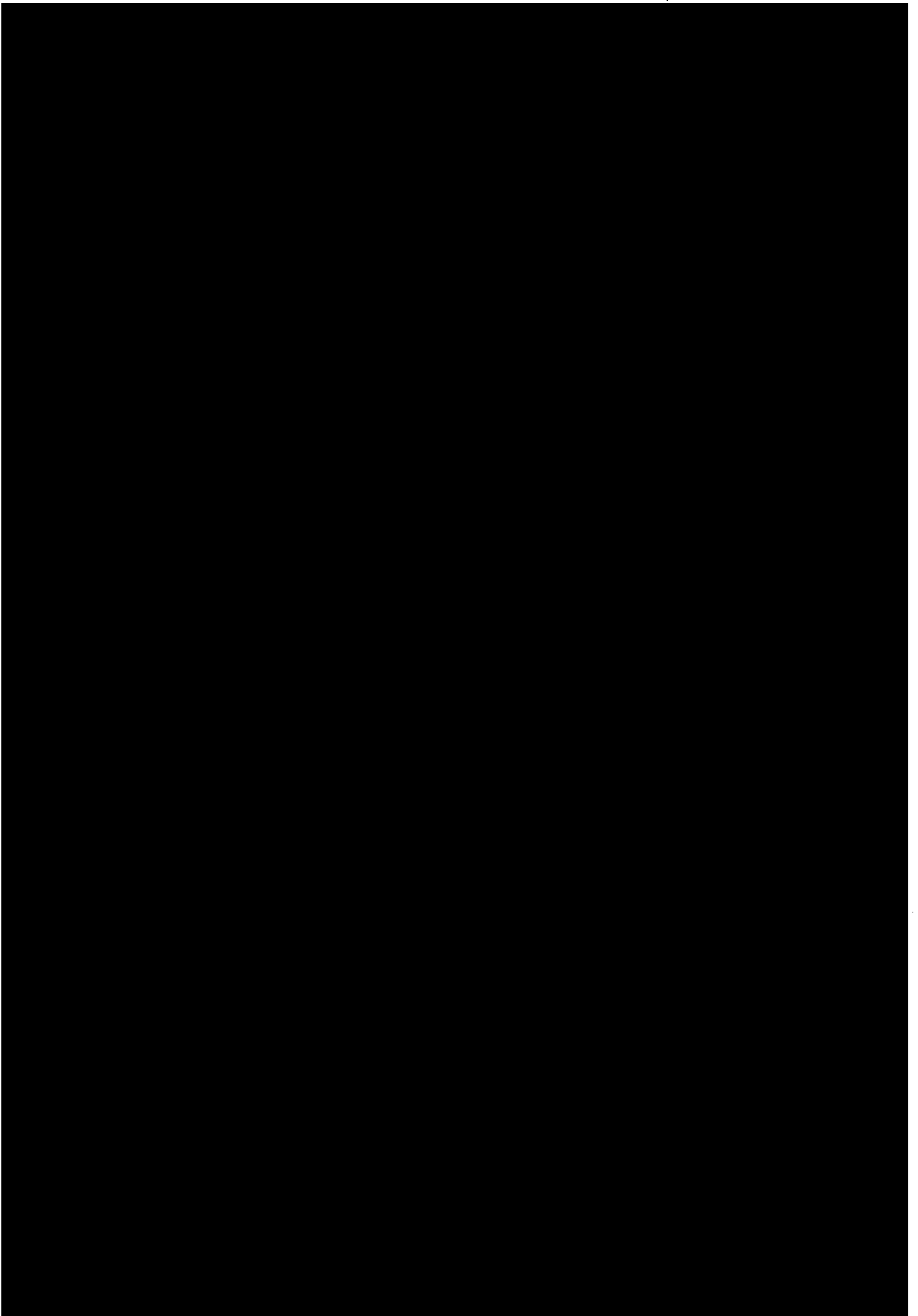


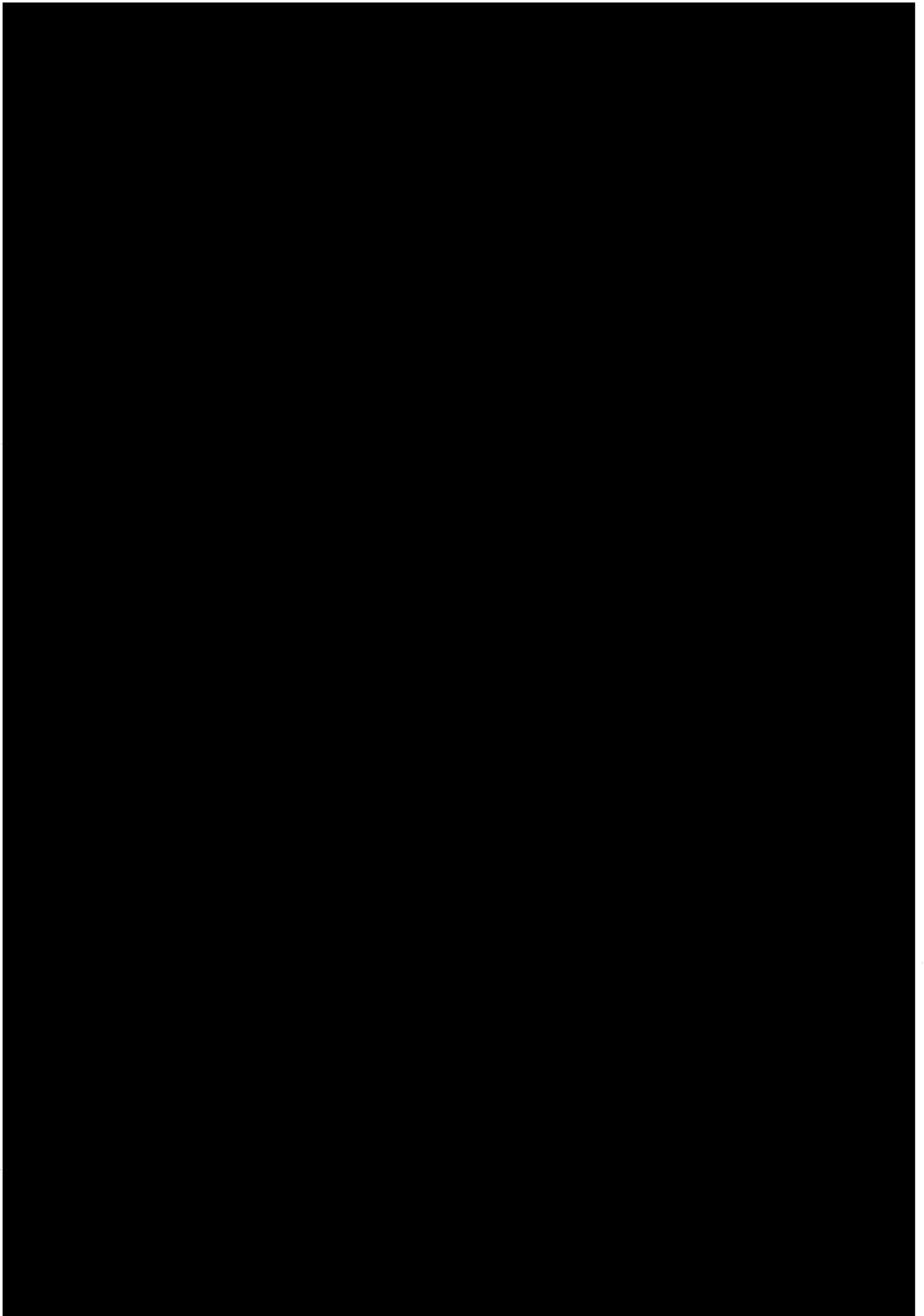


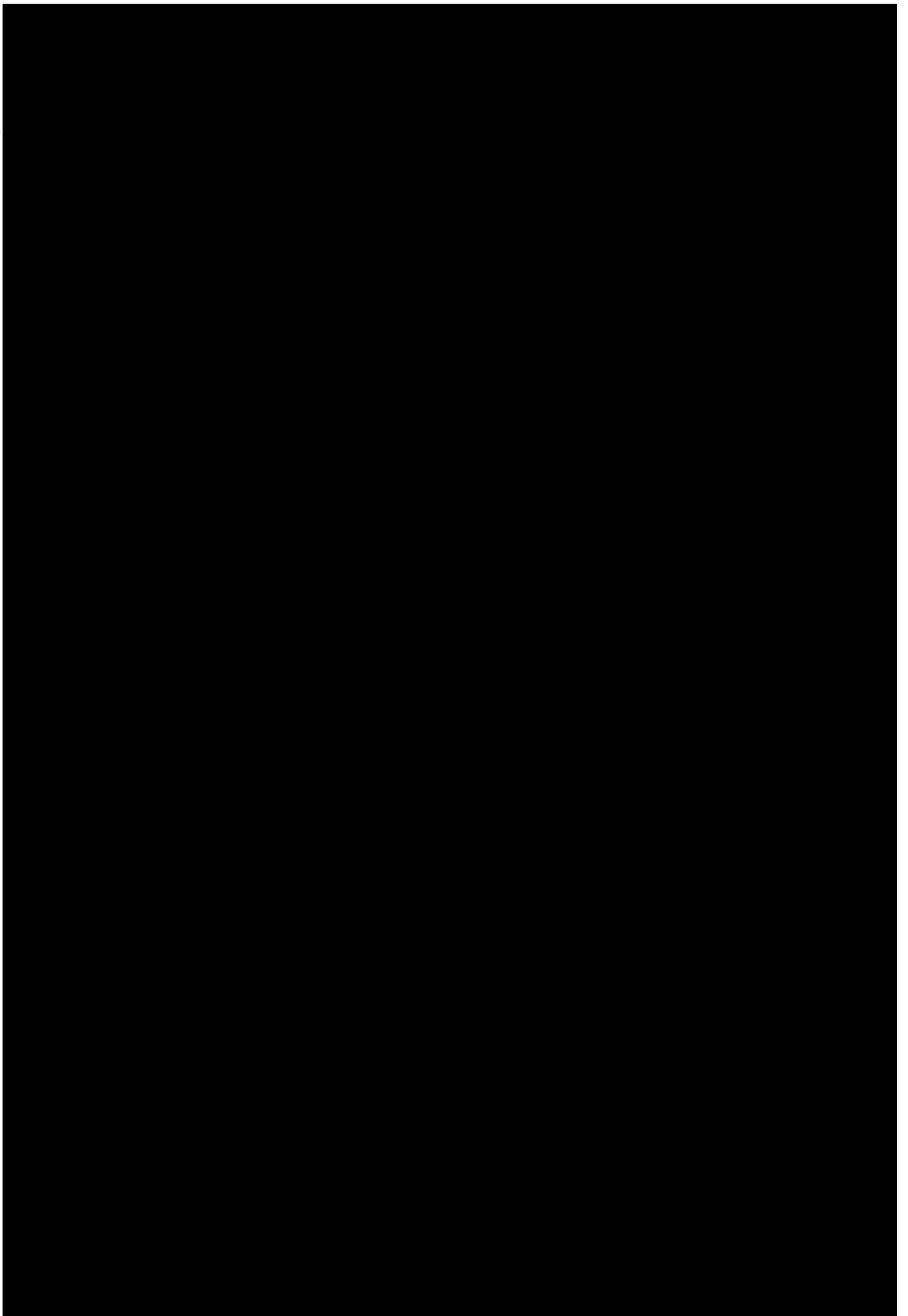


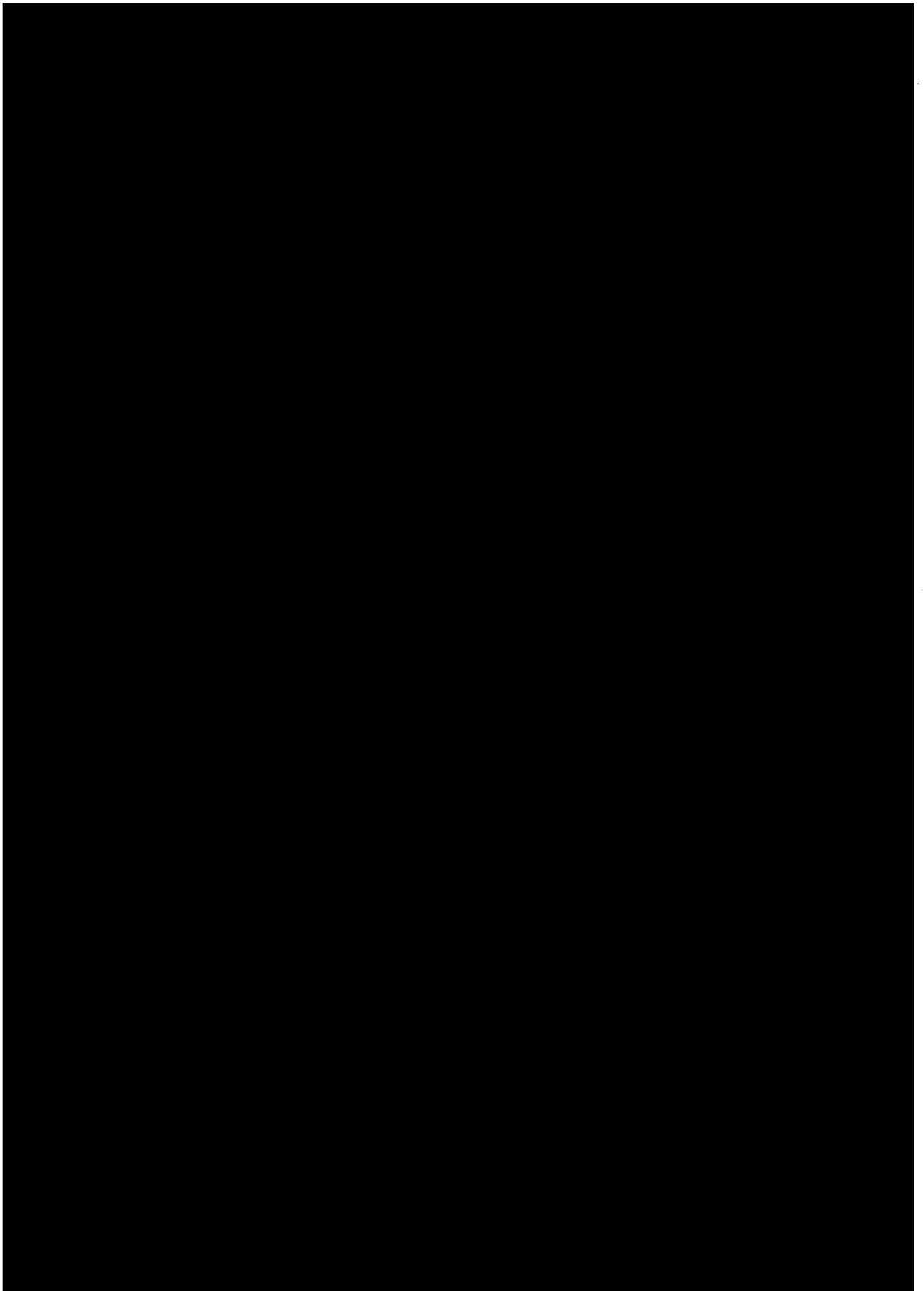


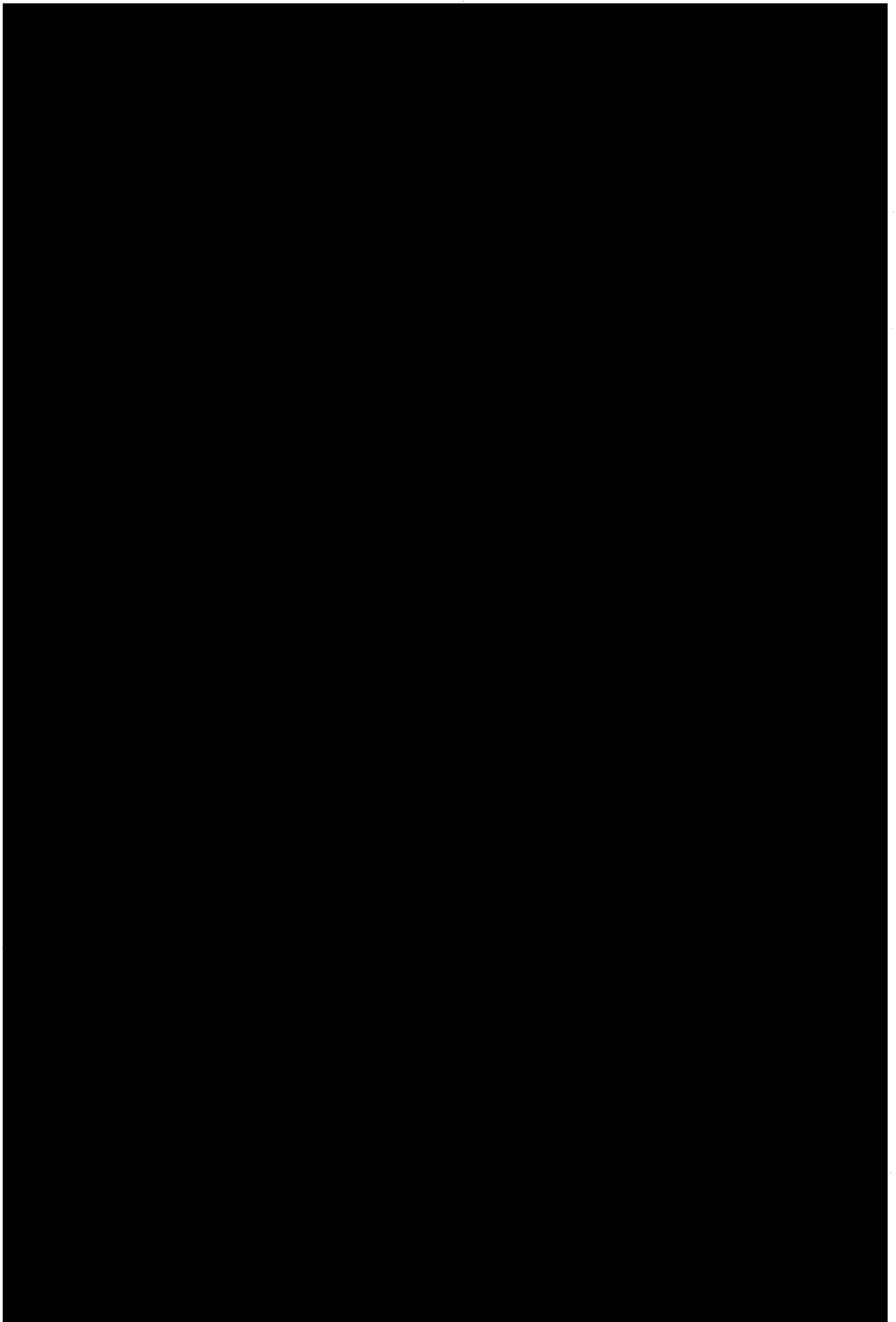


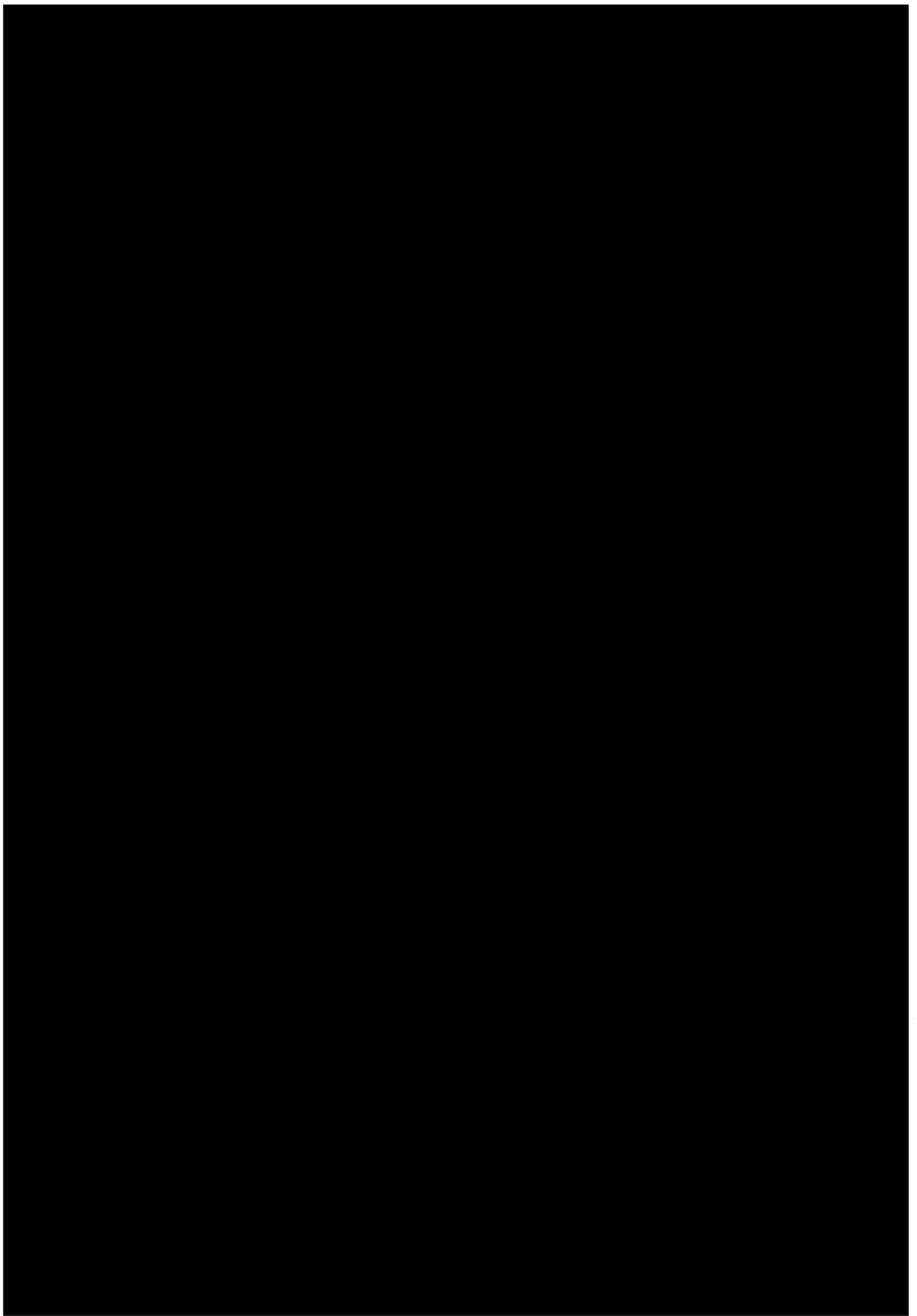


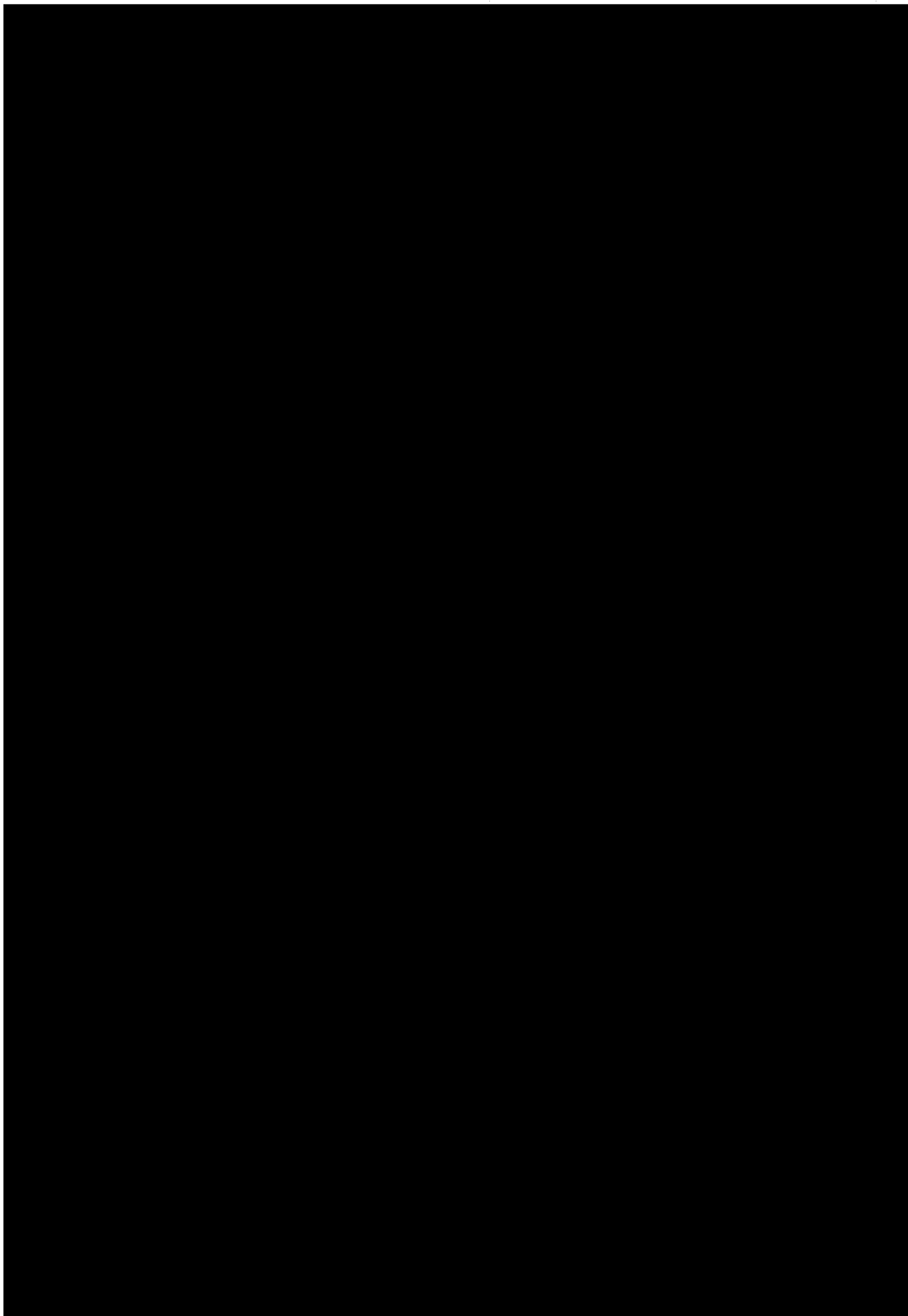




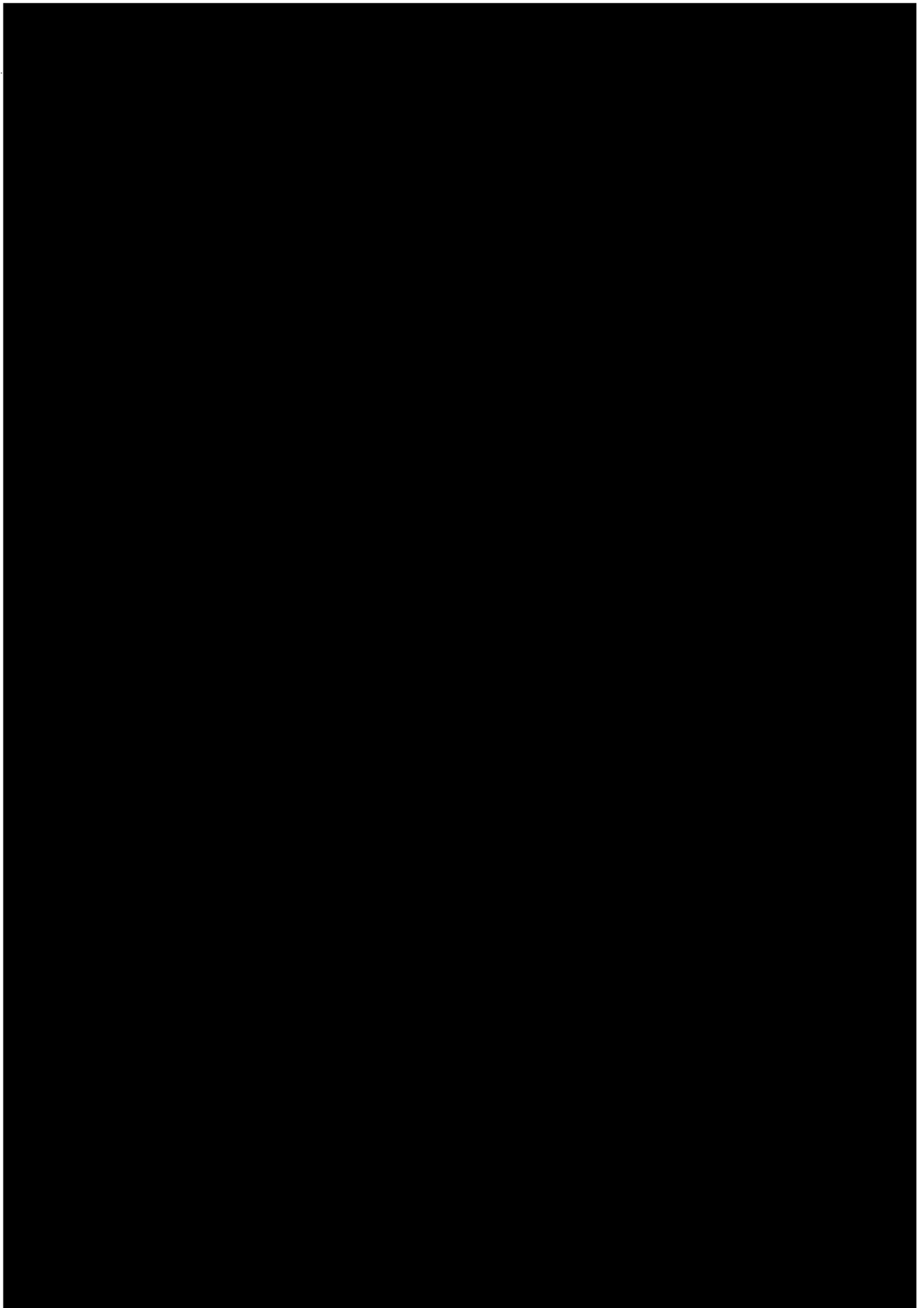


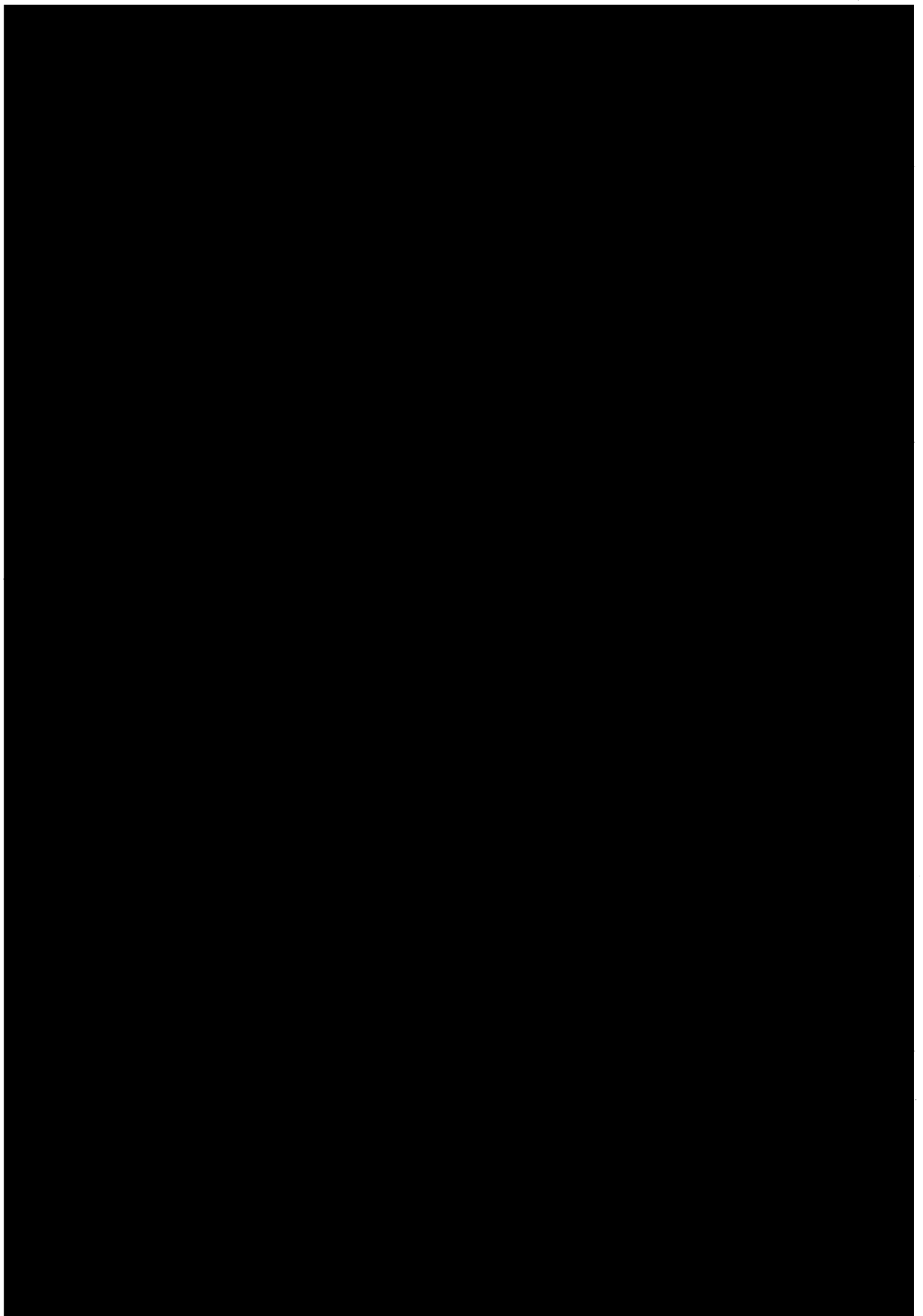


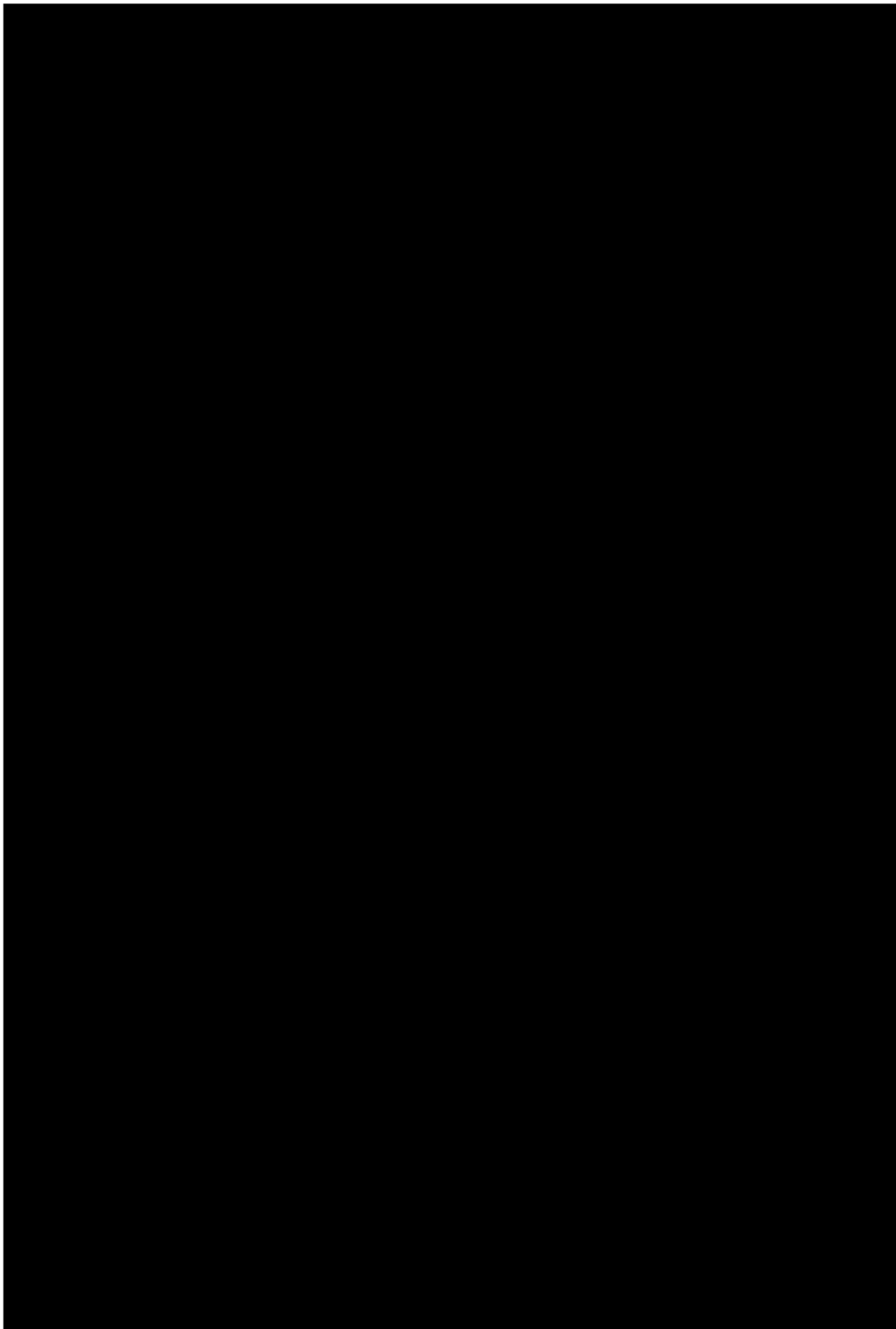












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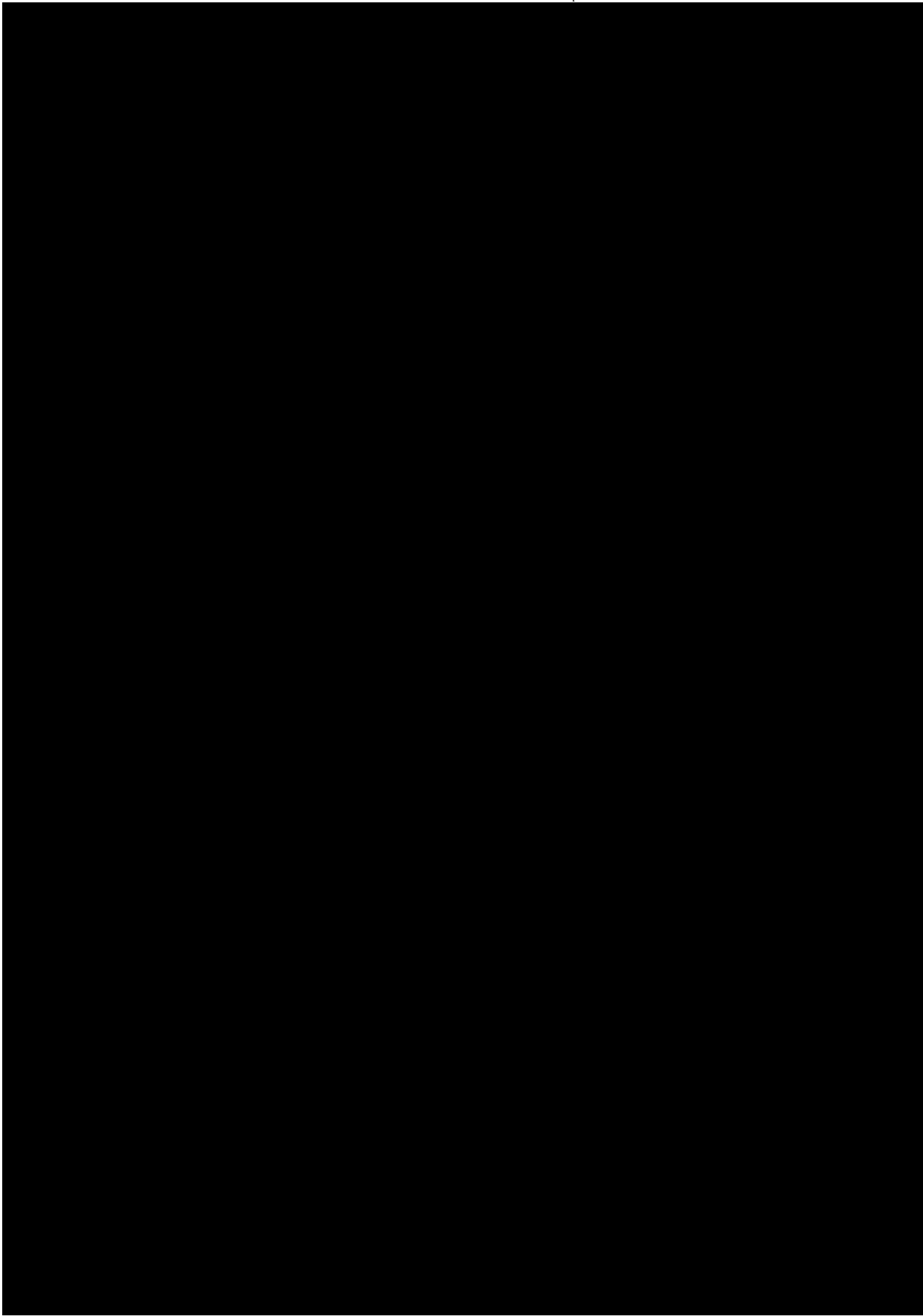
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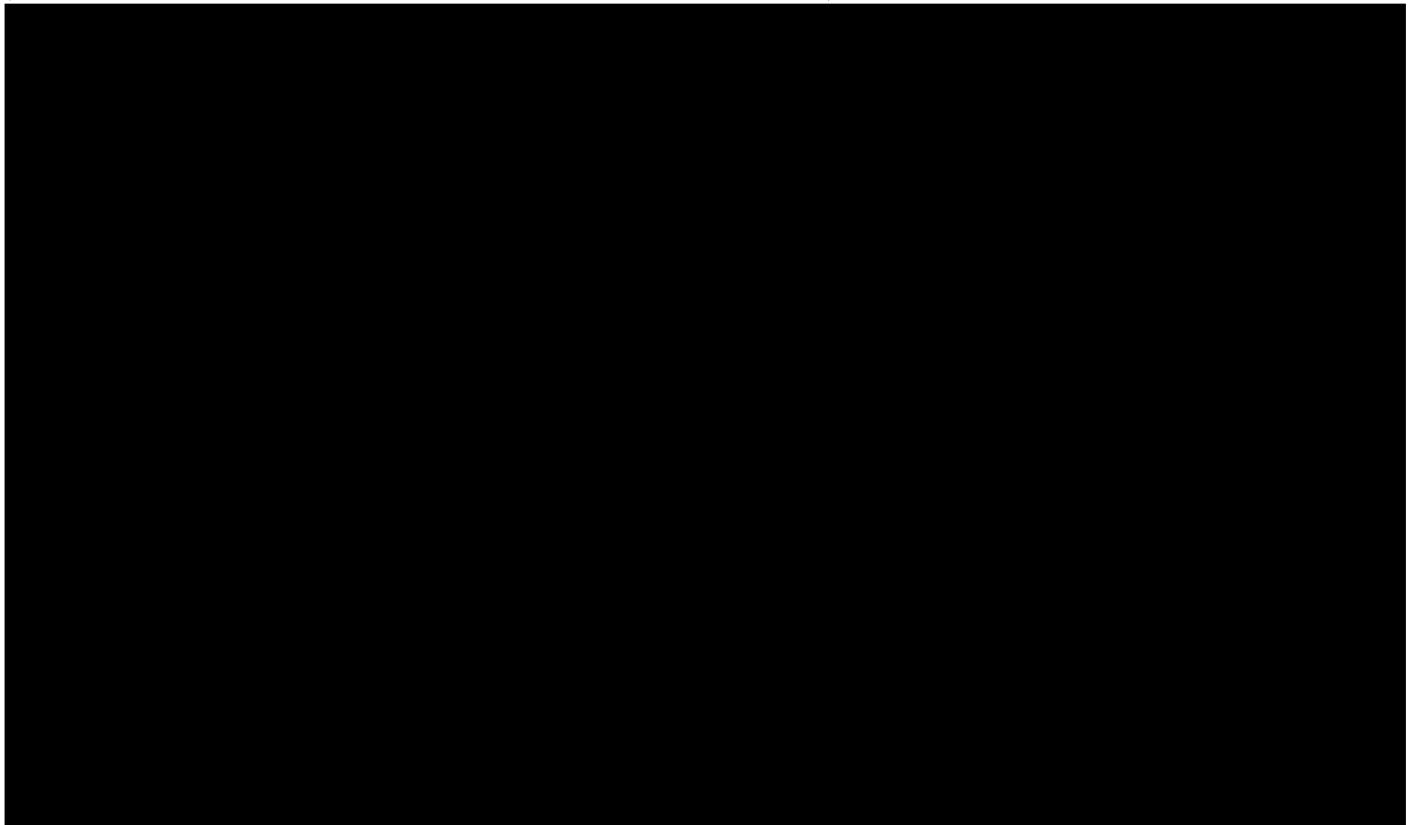
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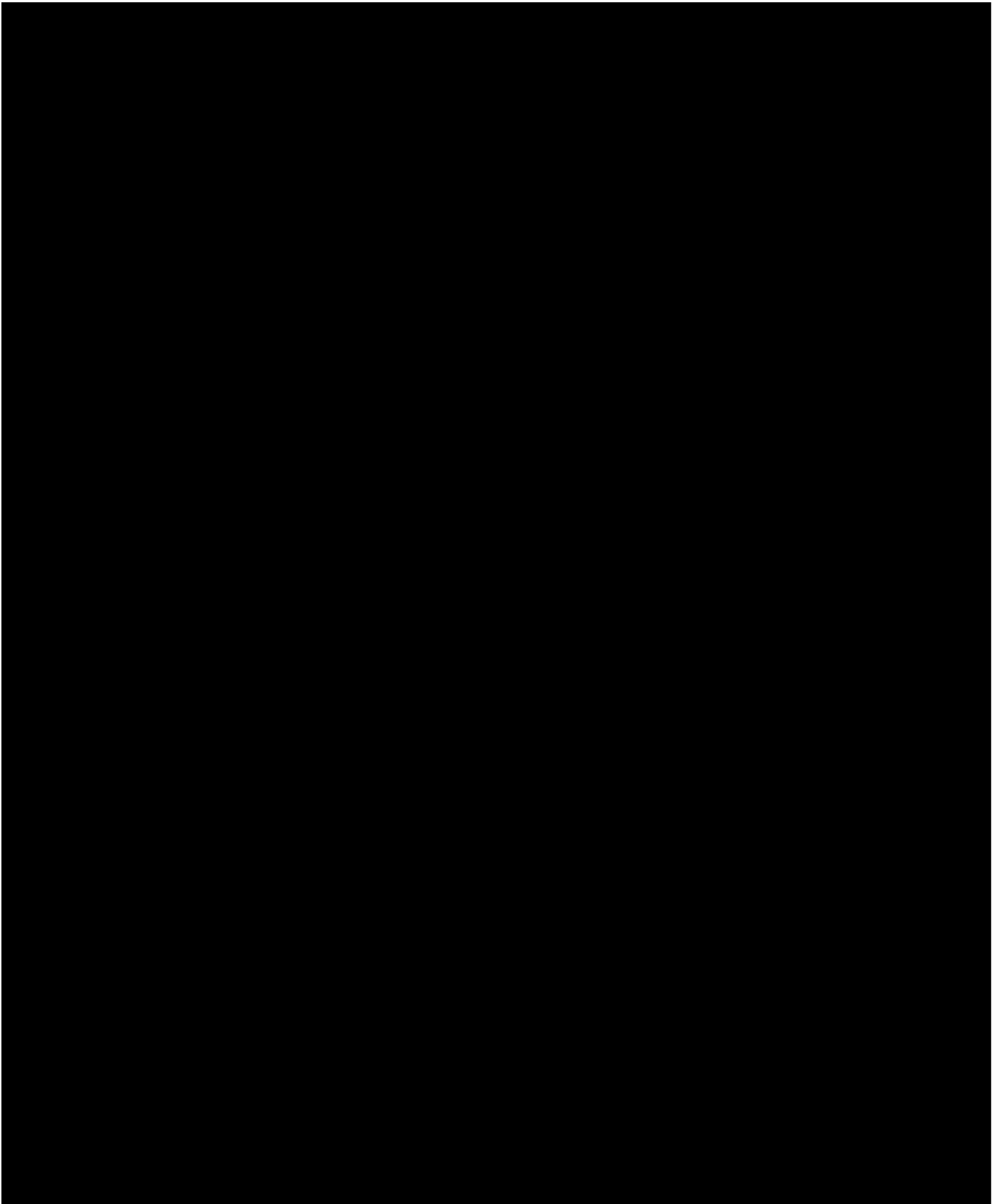
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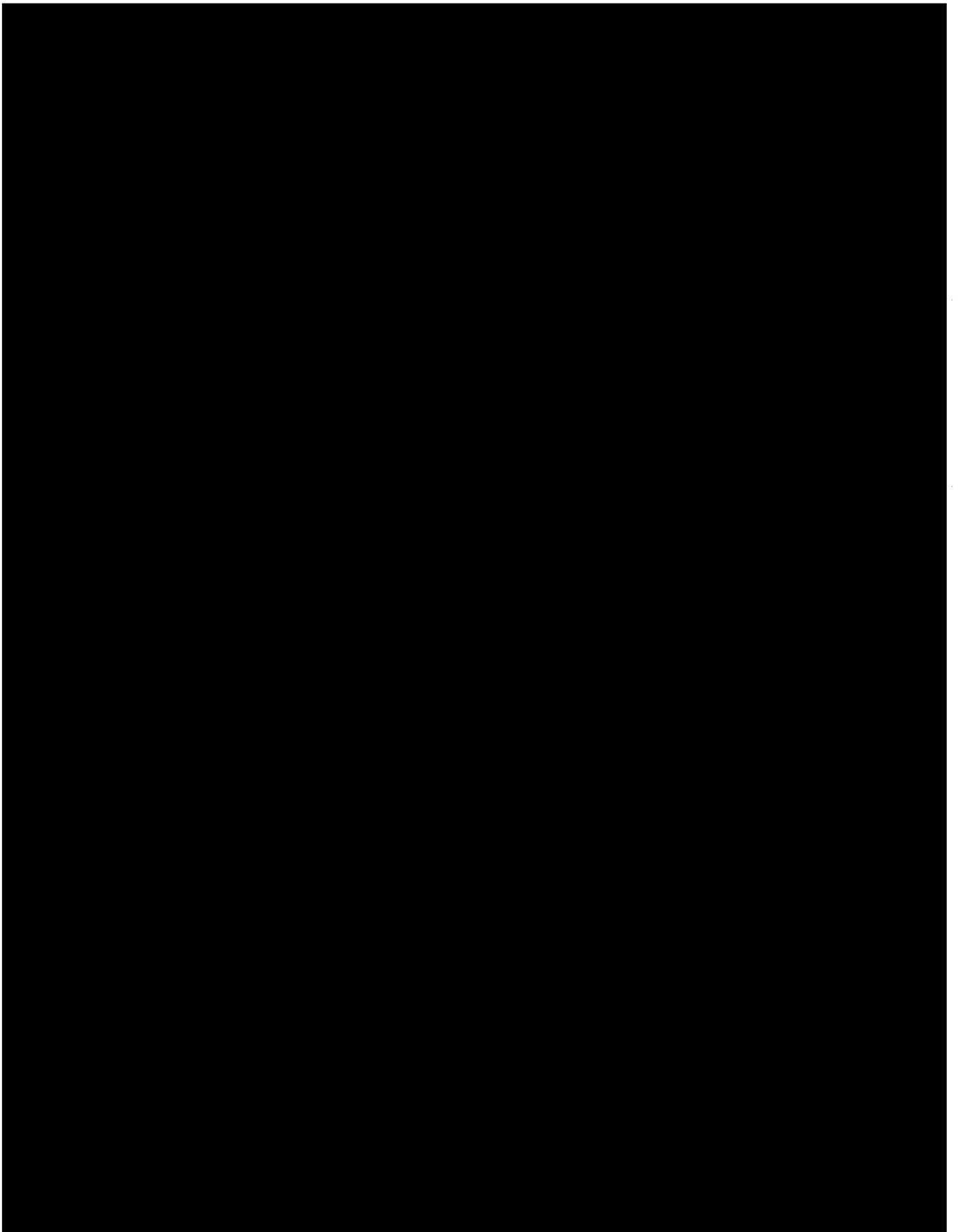
**EXHIBIT 2**

**Expert Report of Dr. Edward D. Rothman (Apr. 22, 2011)**

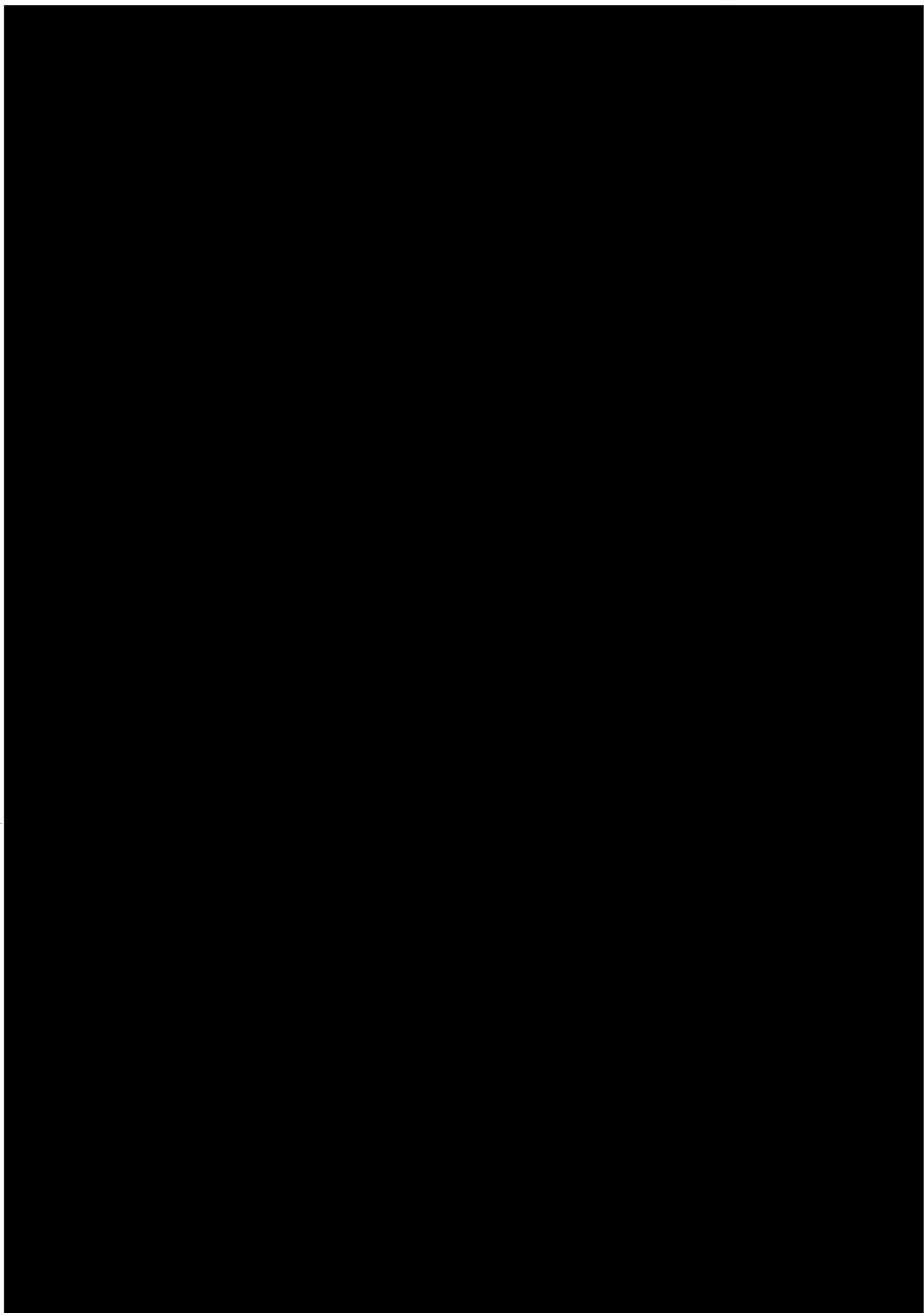


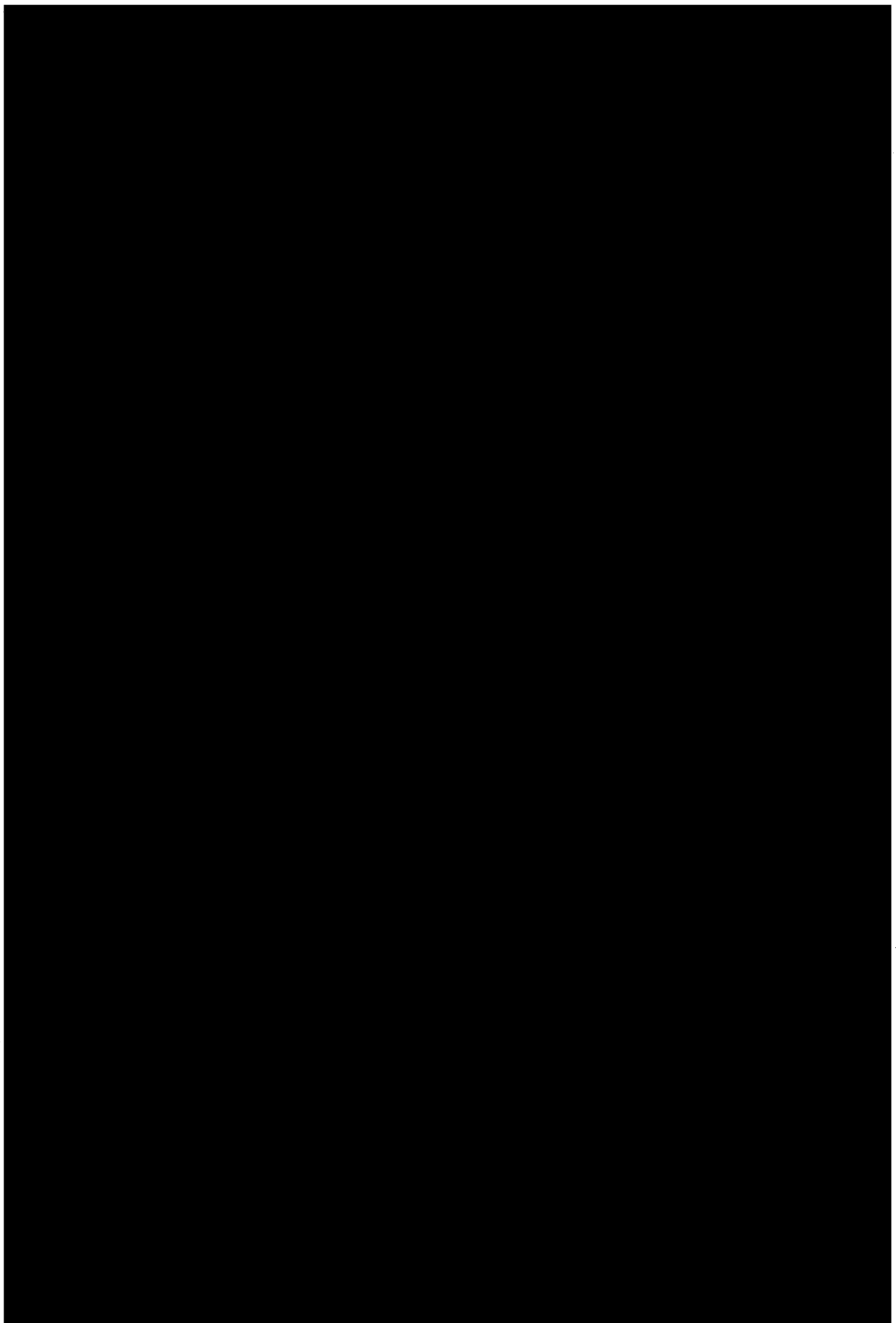


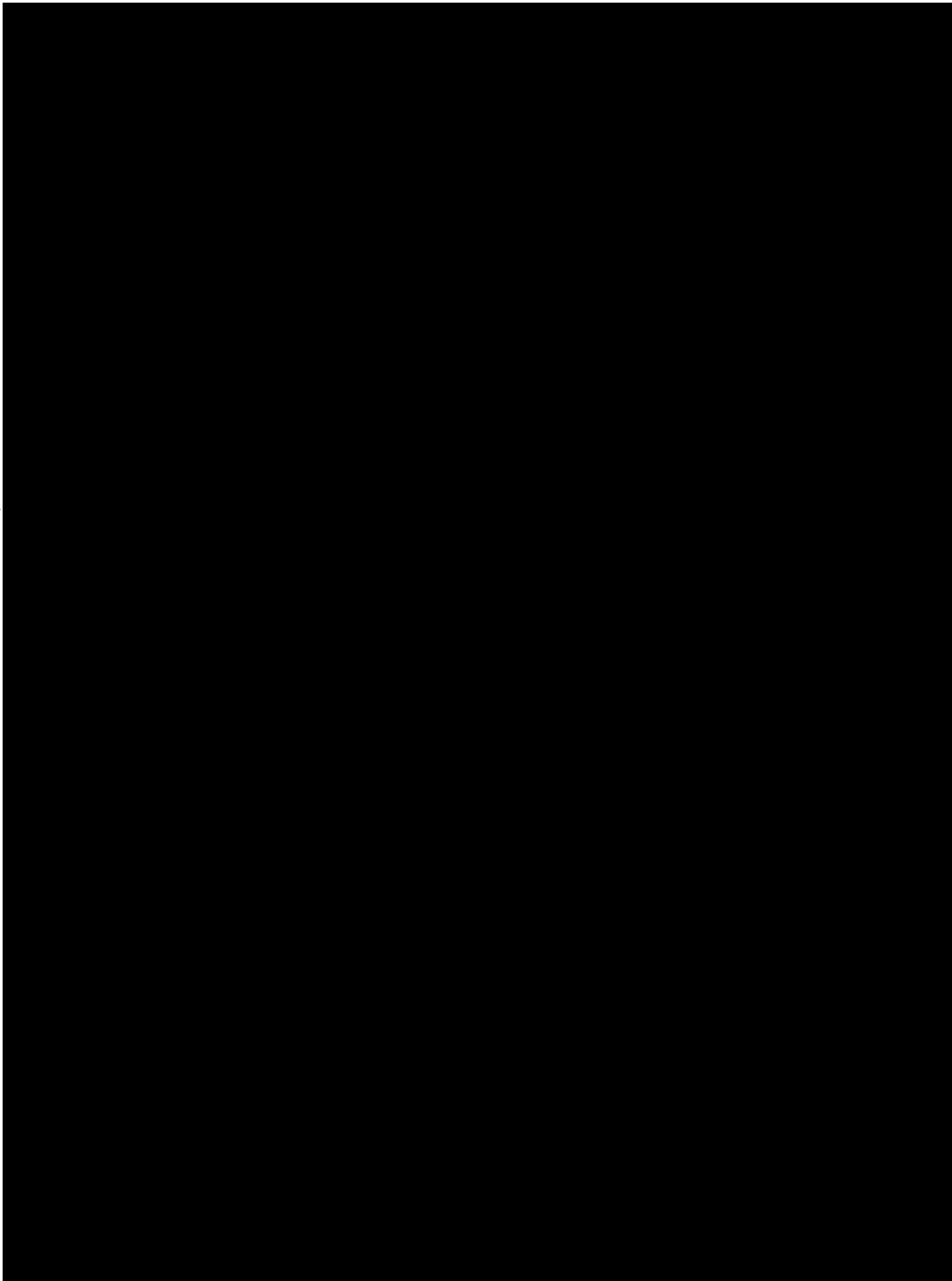


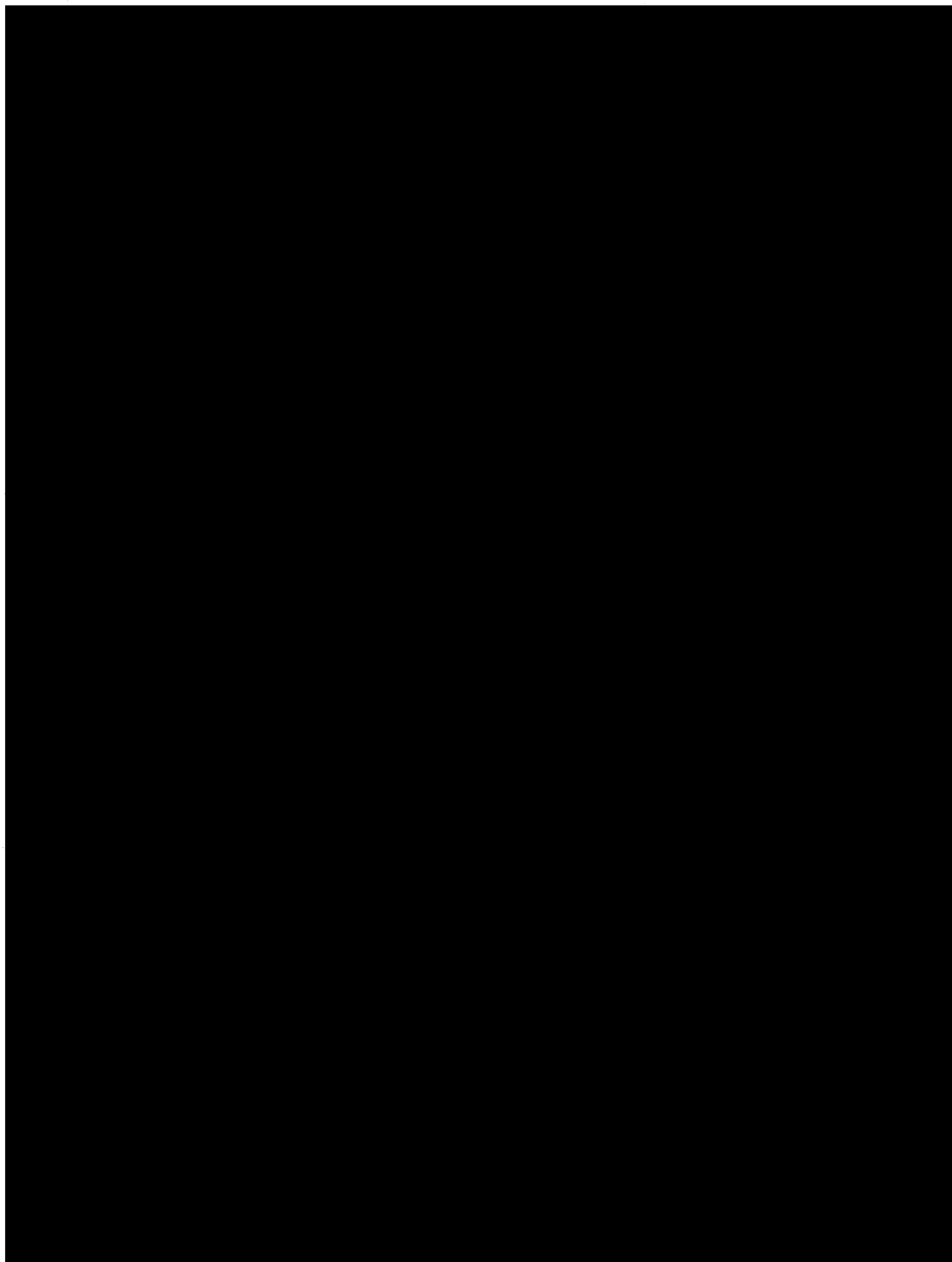




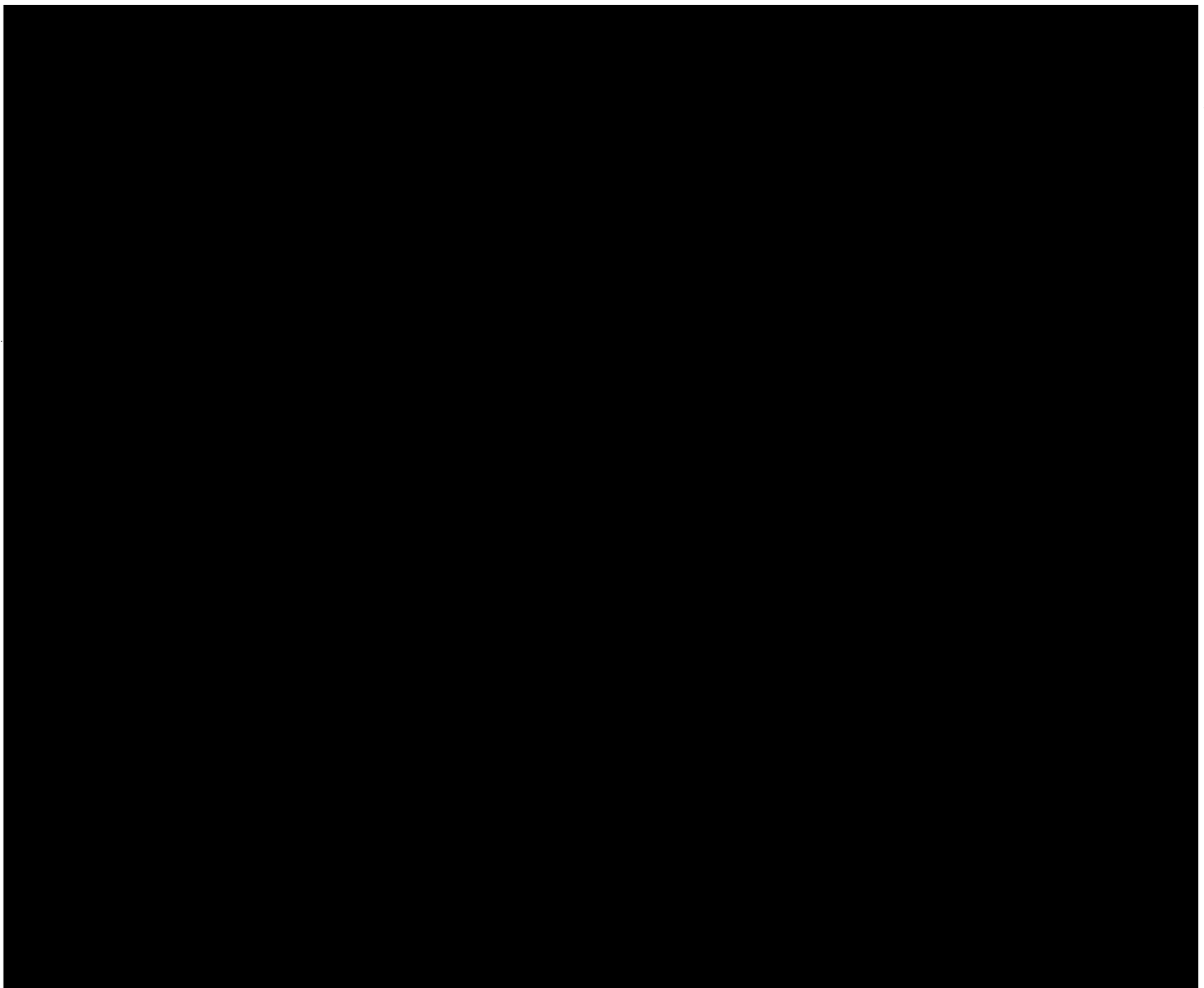




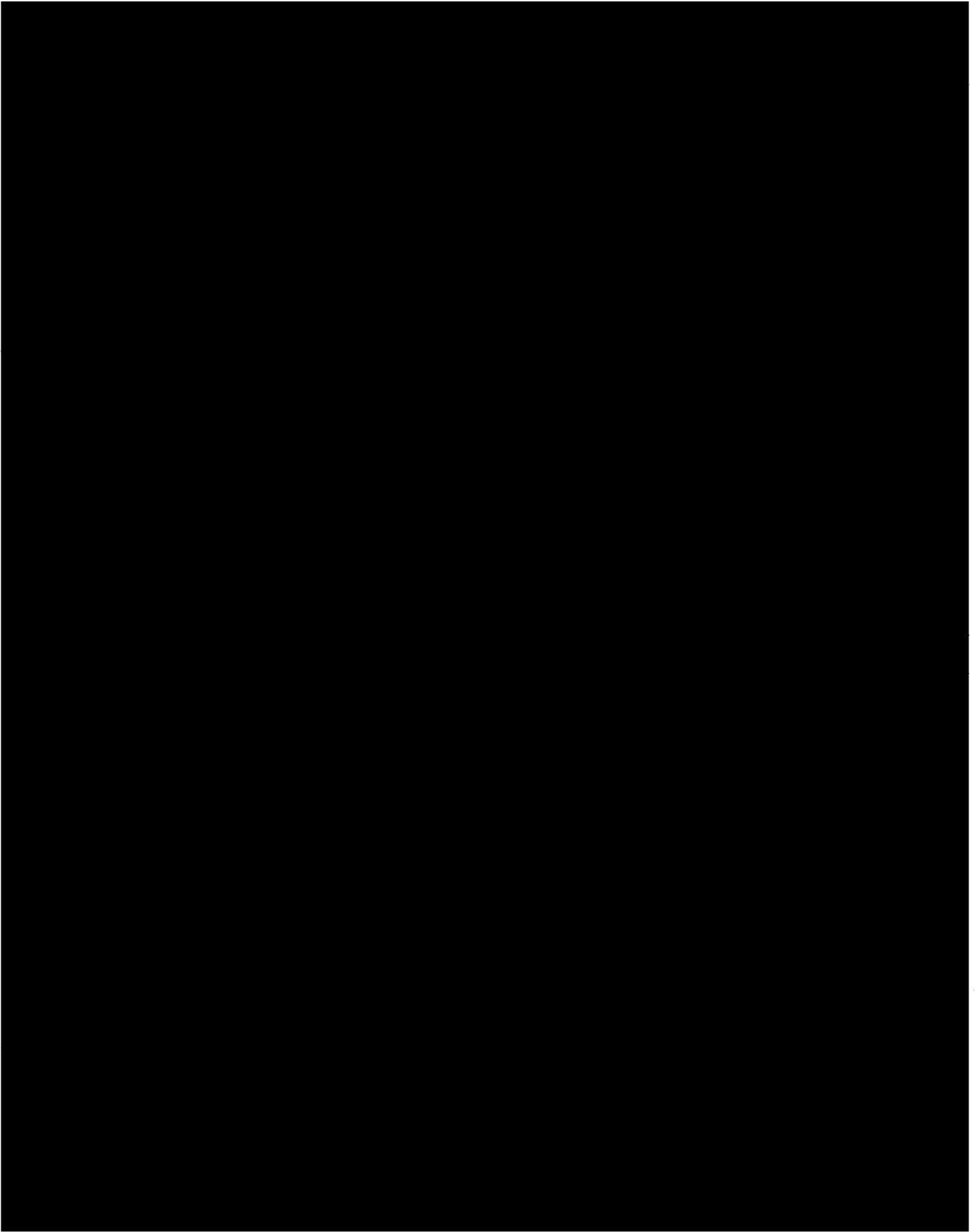




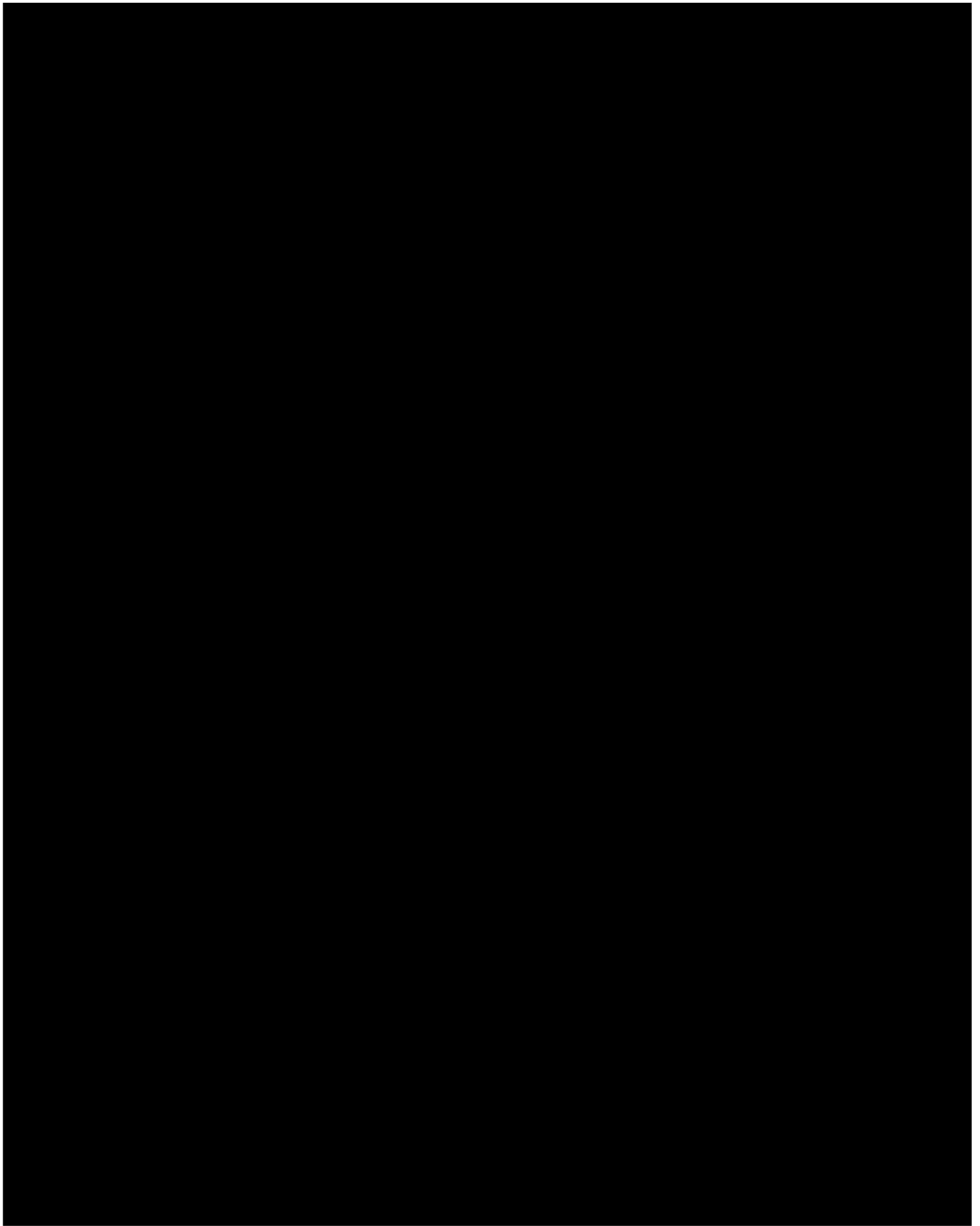


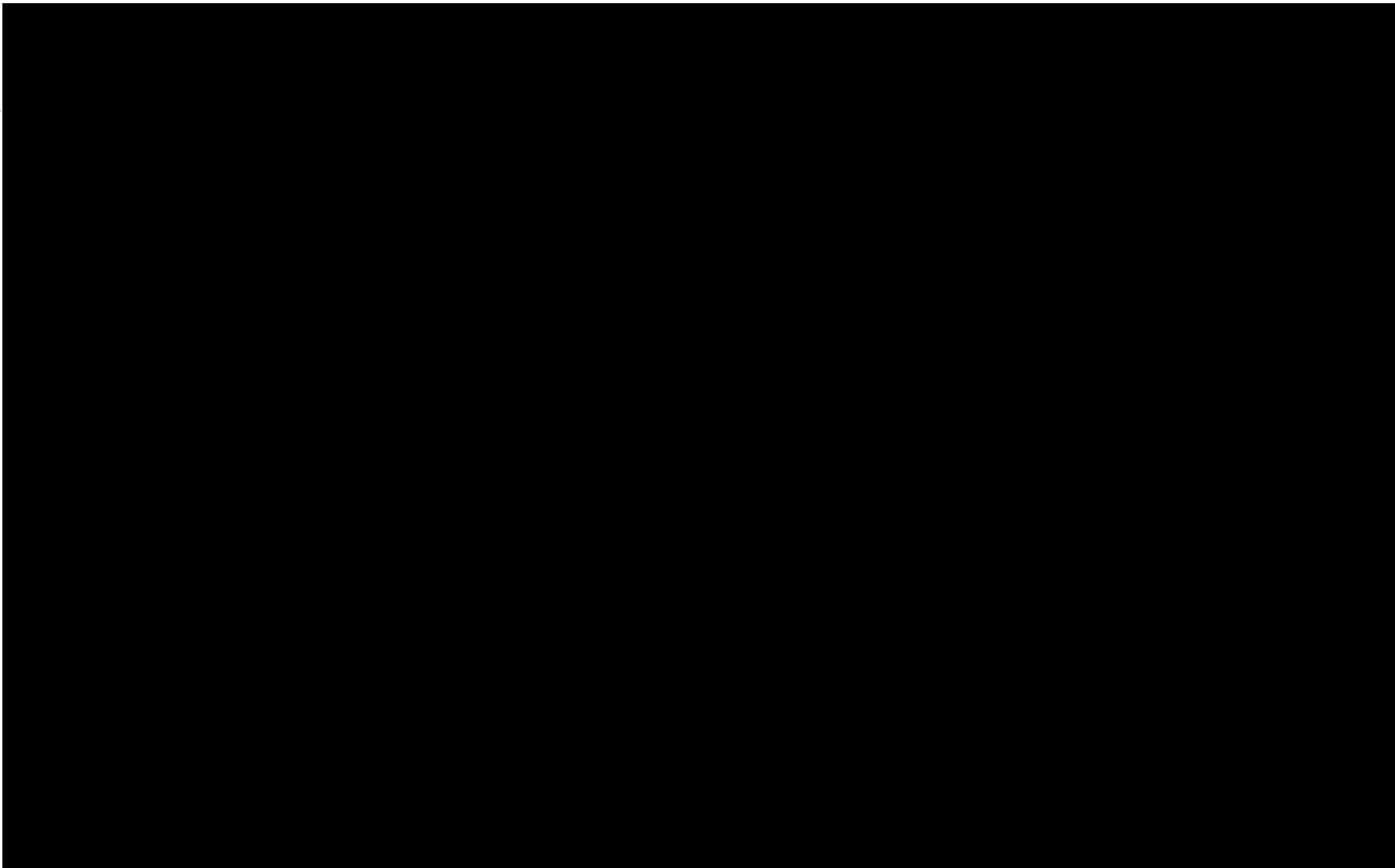


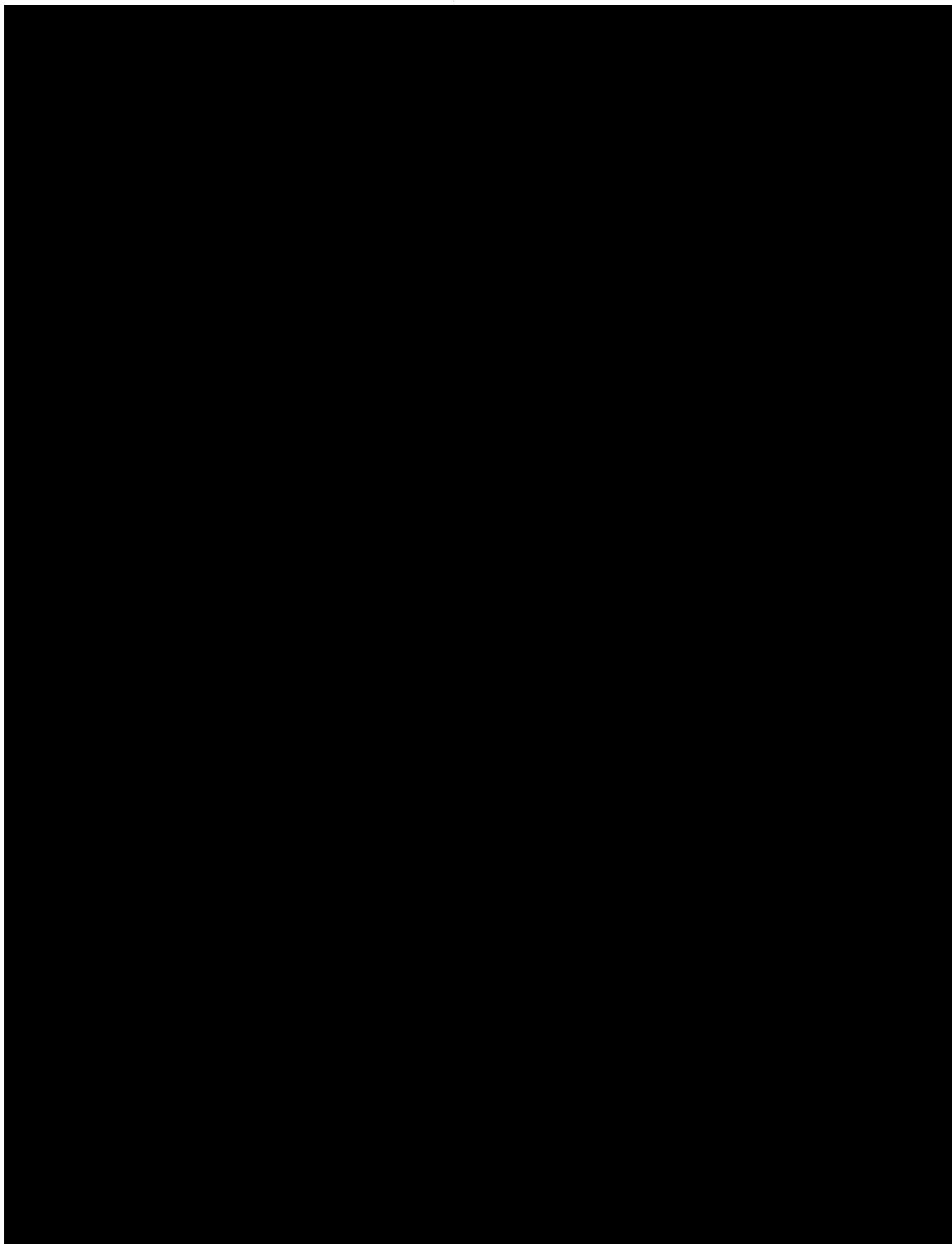


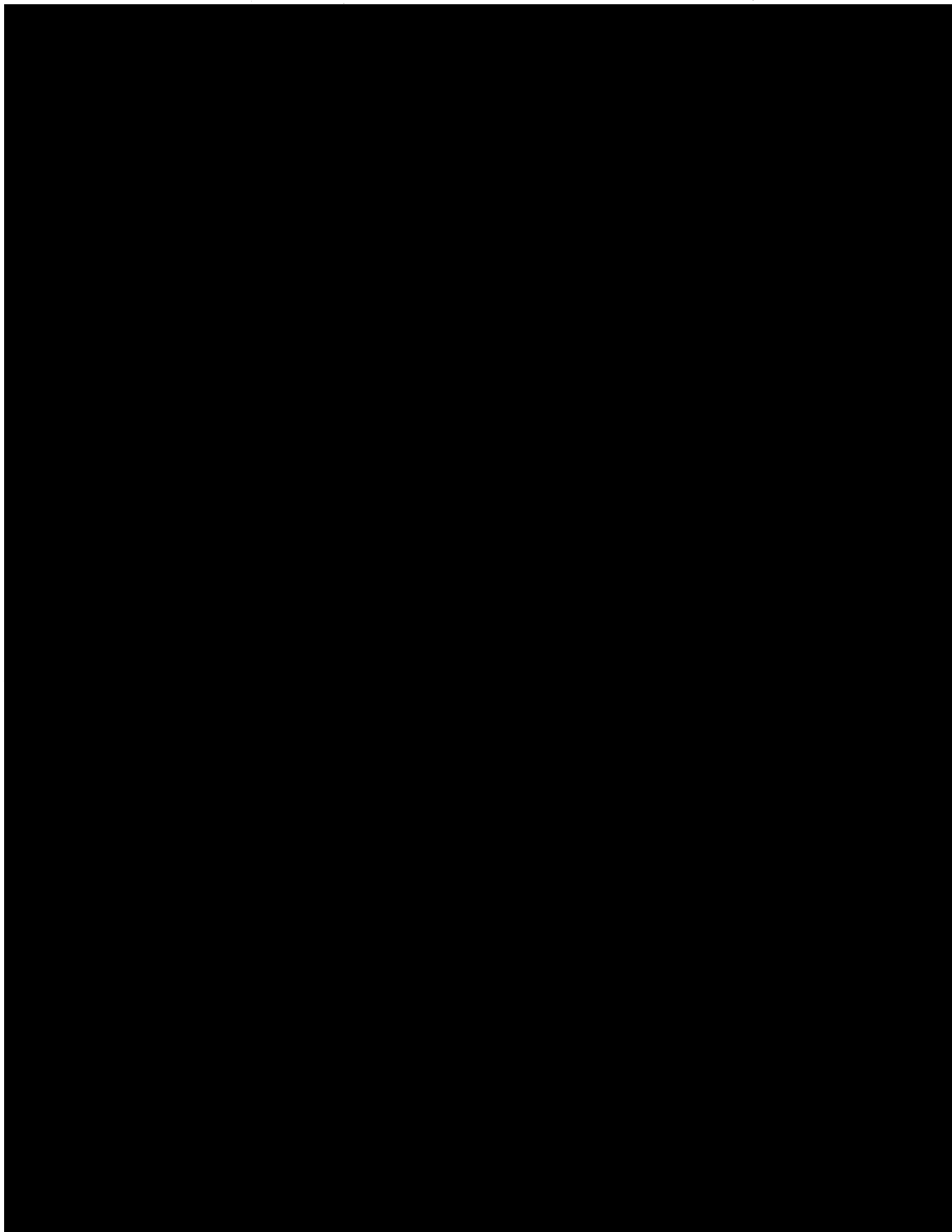


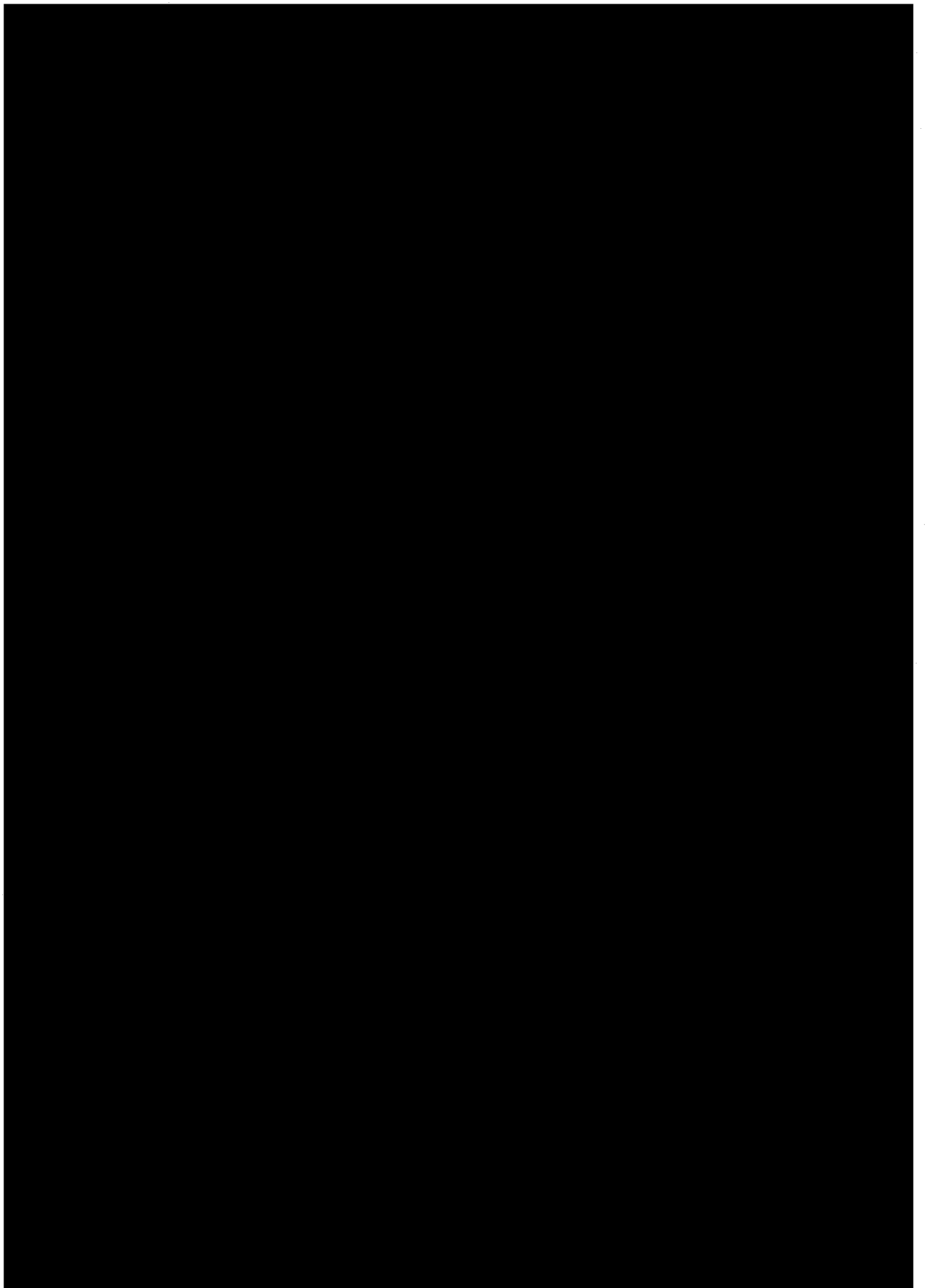


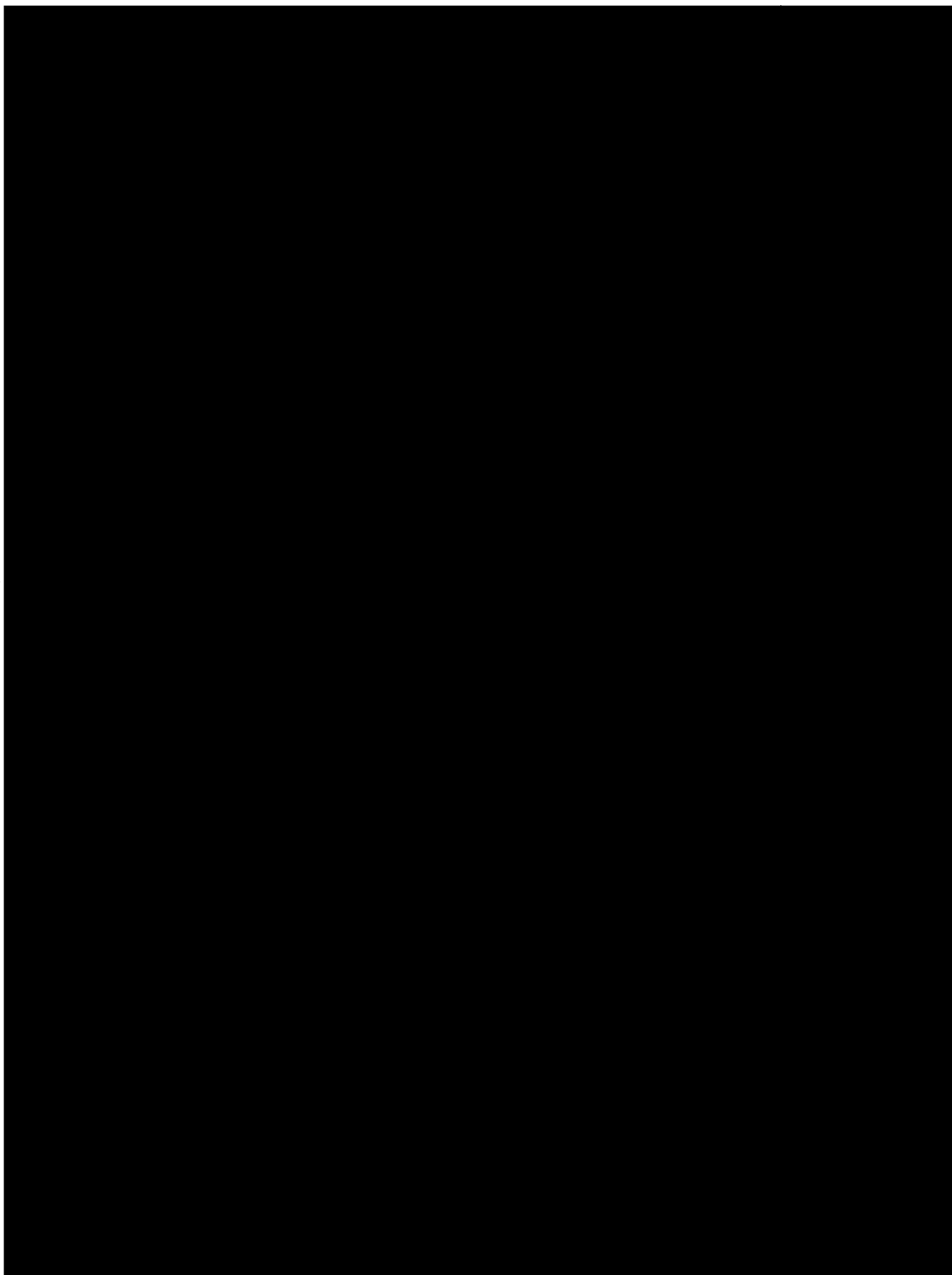


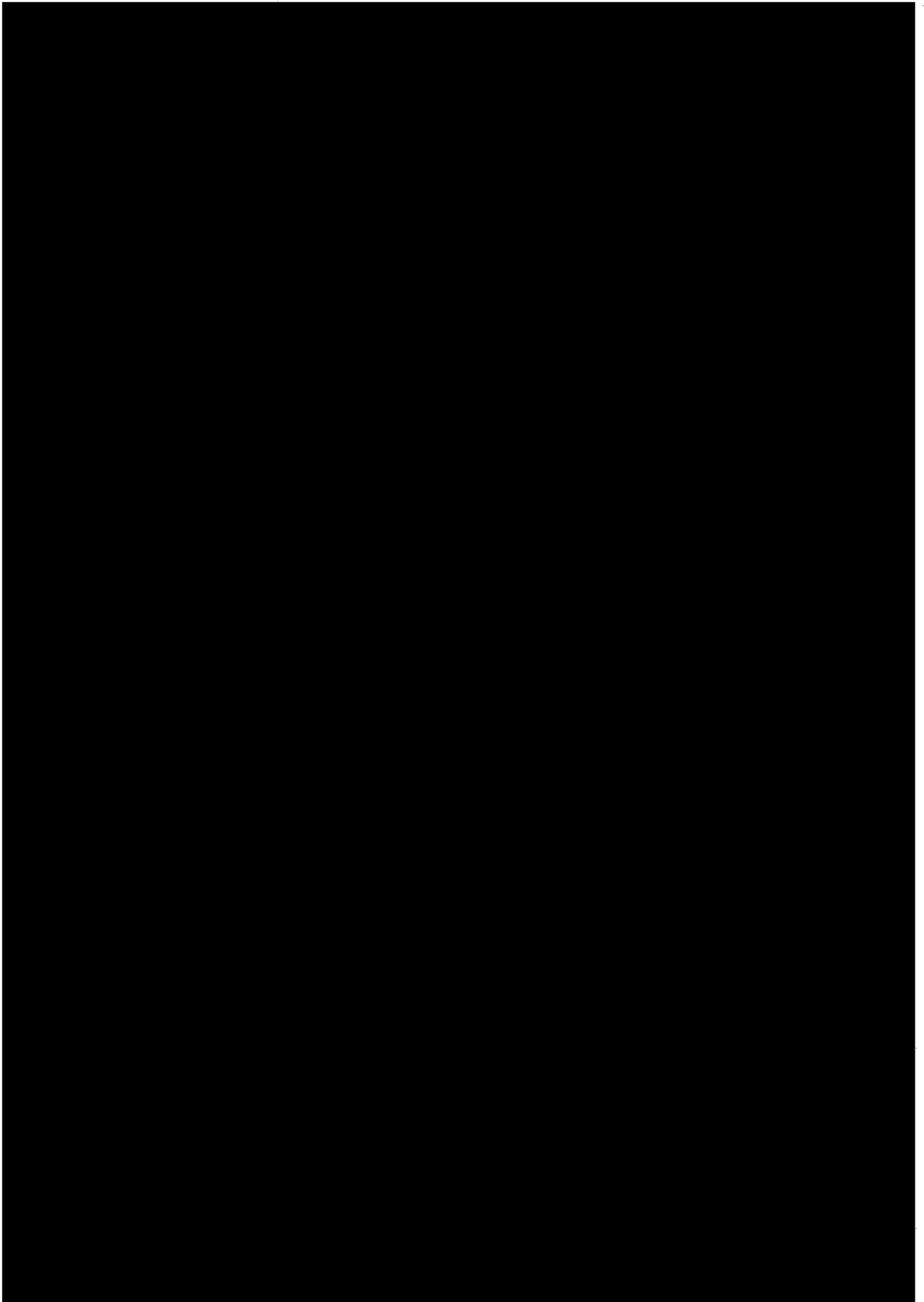


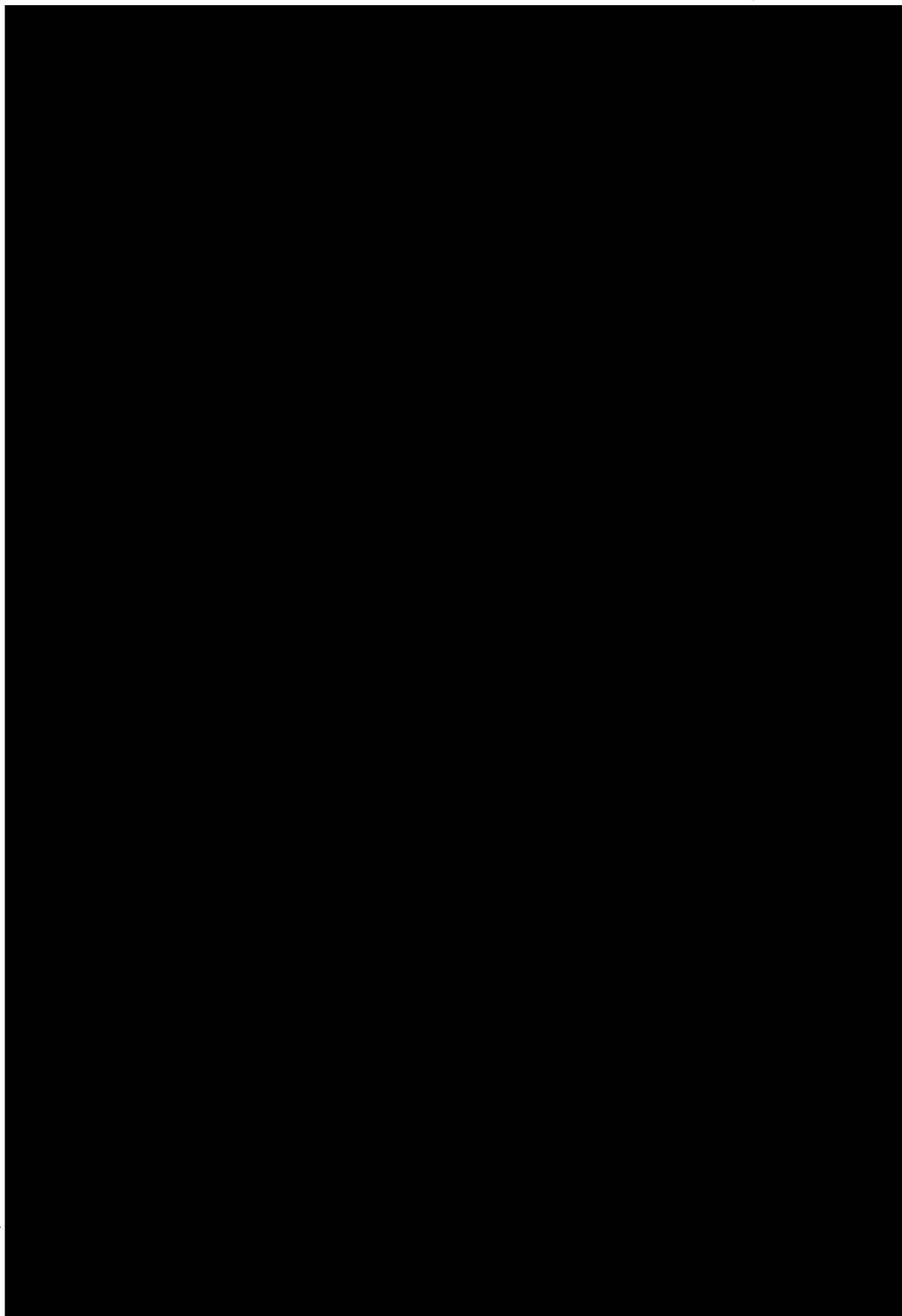














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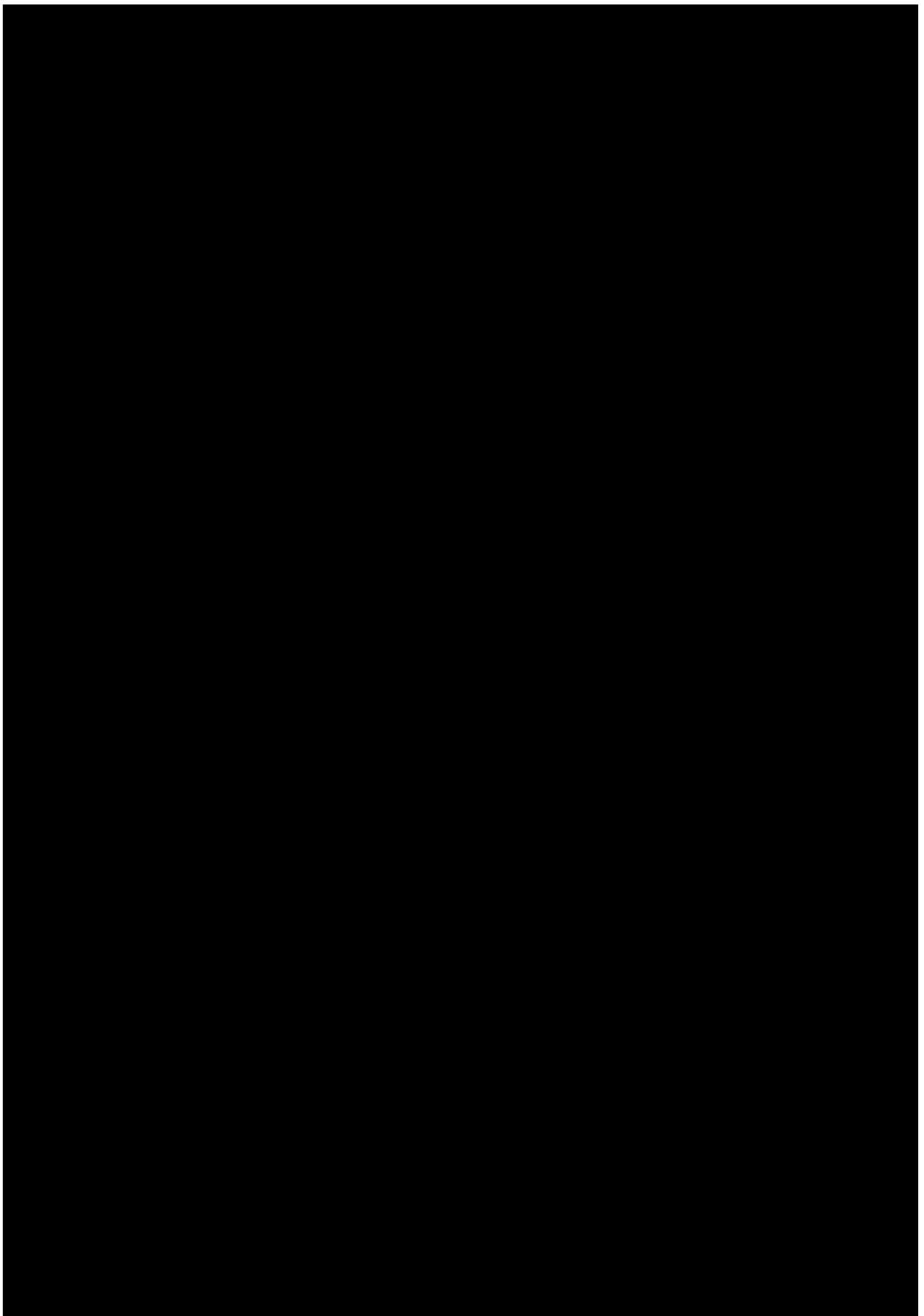
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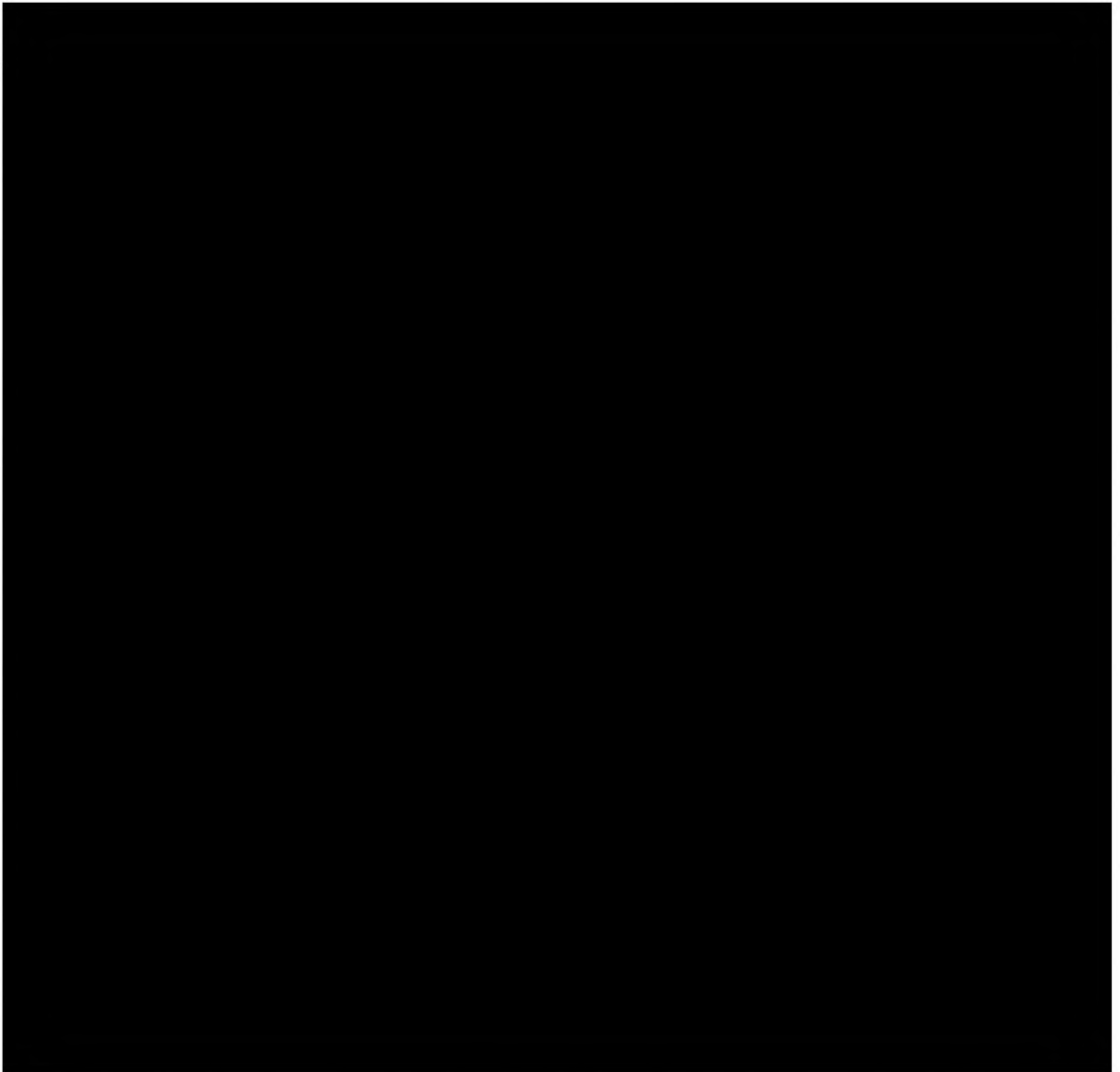
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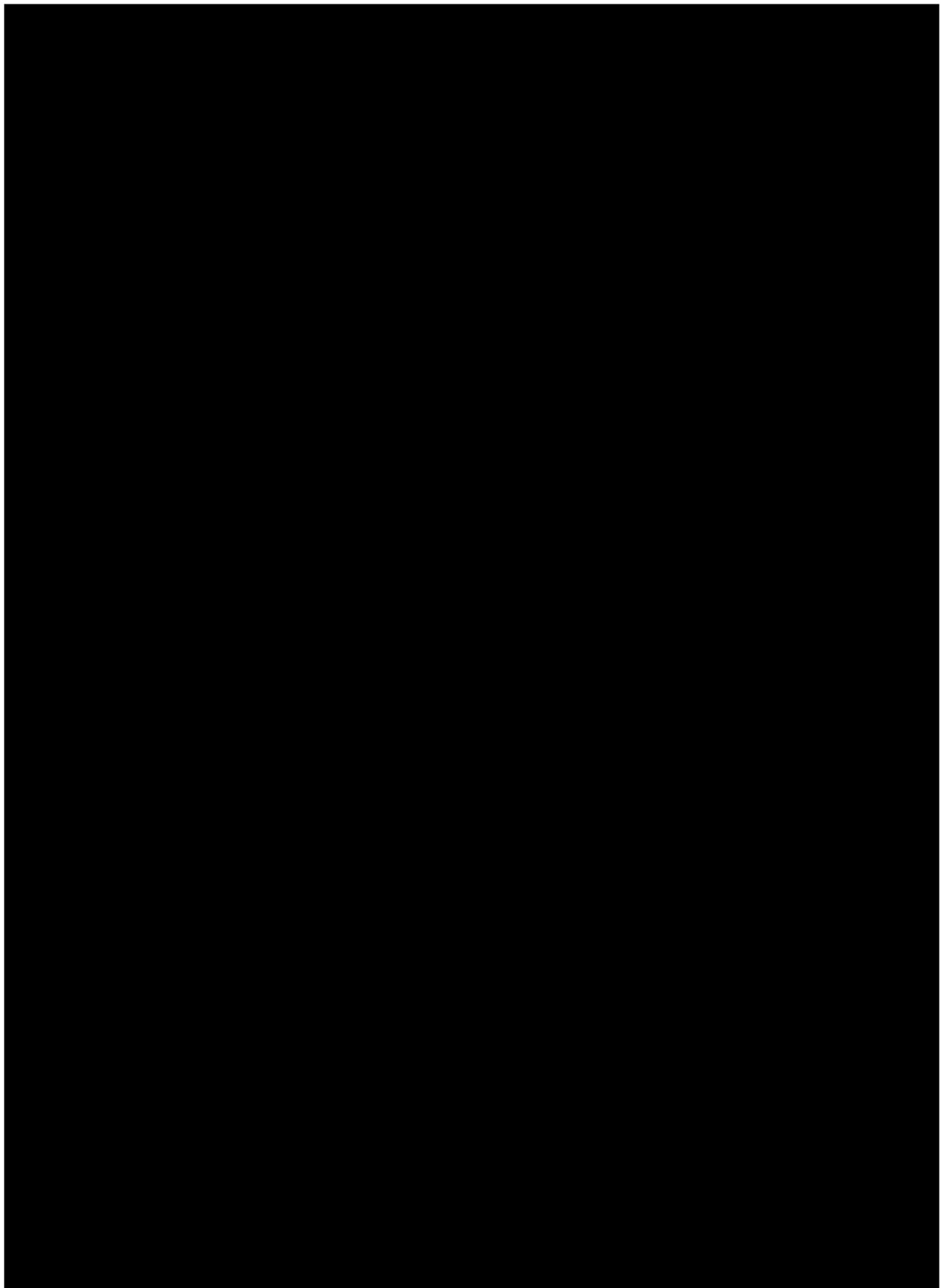
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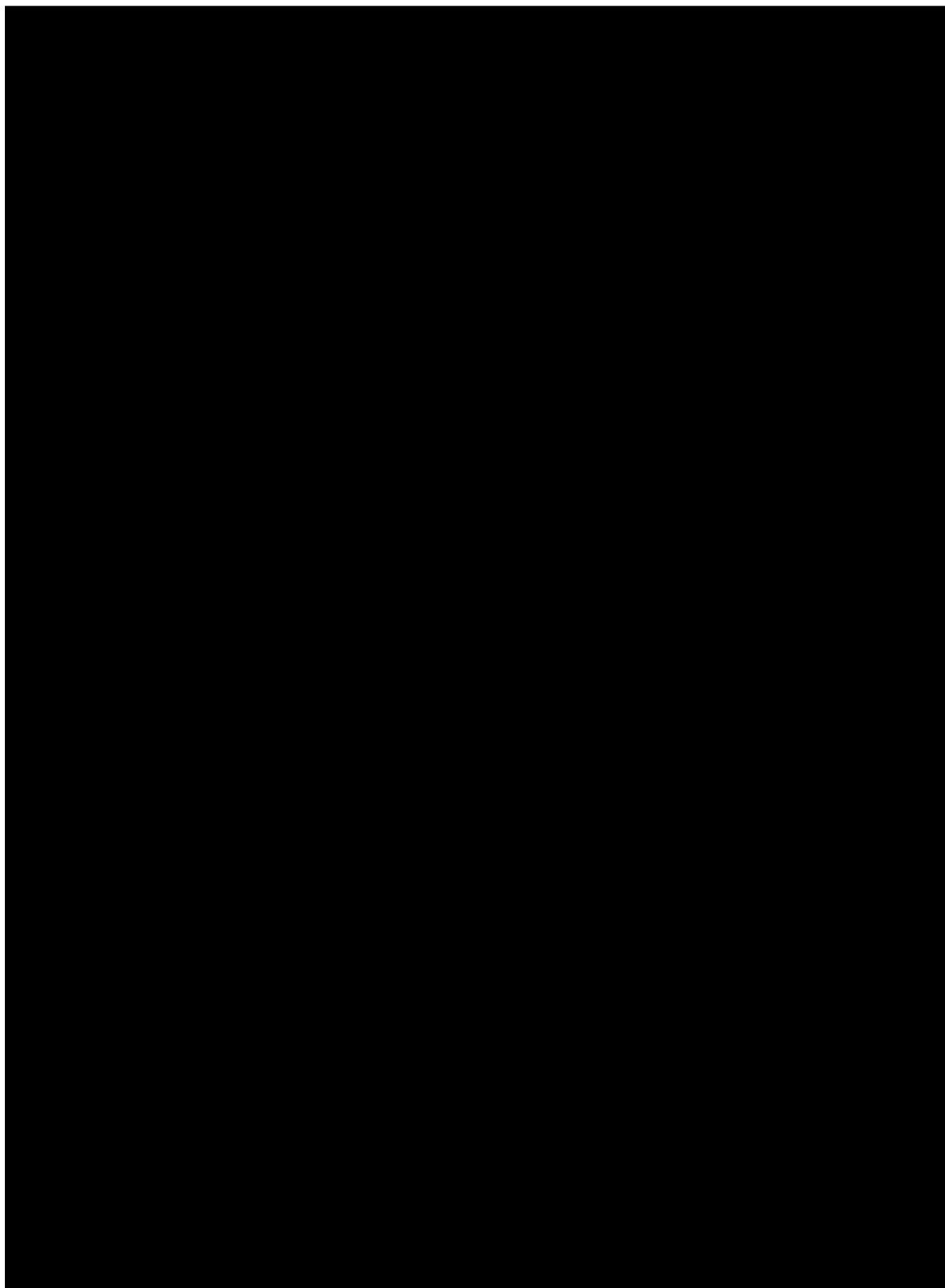
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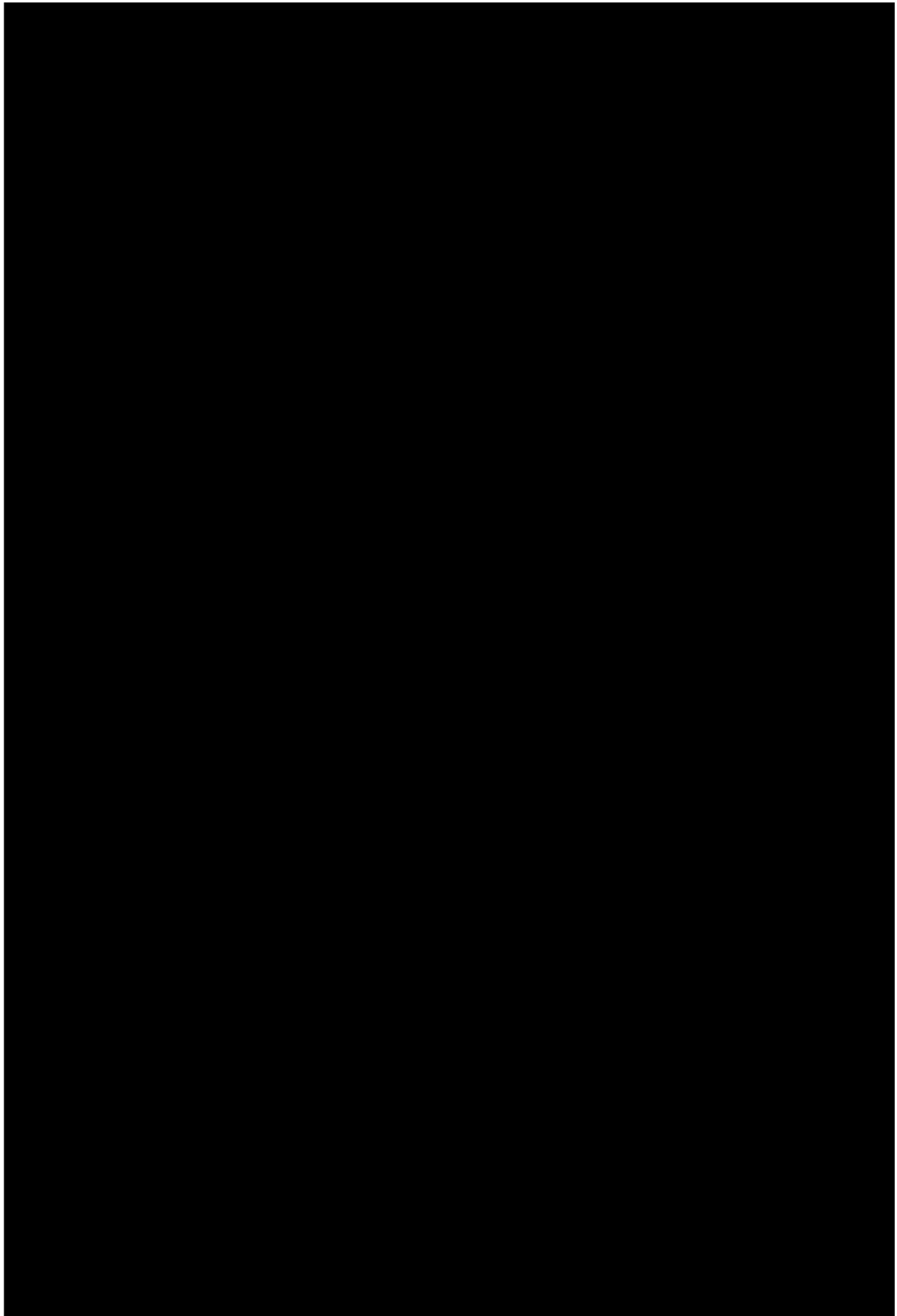
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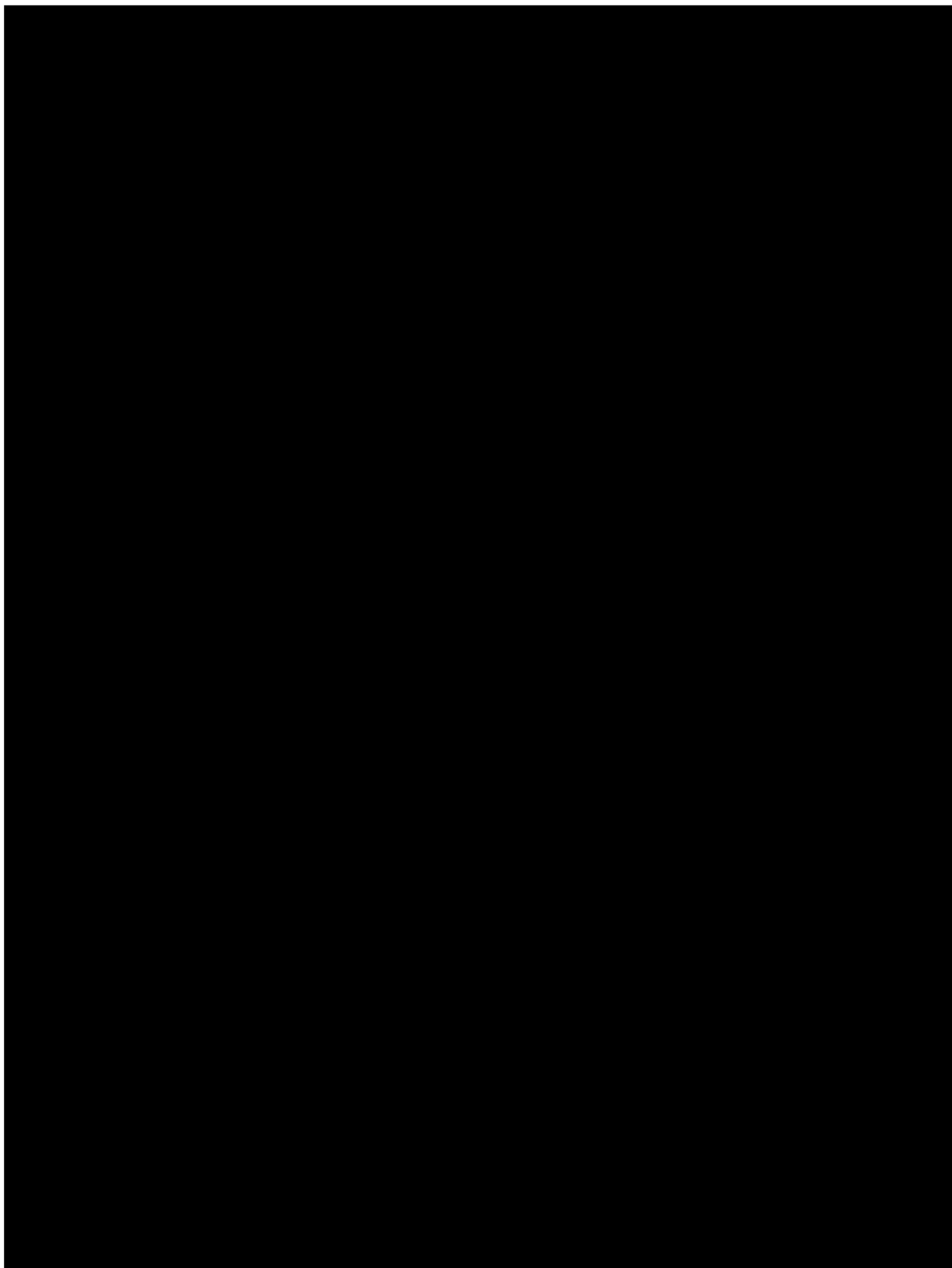


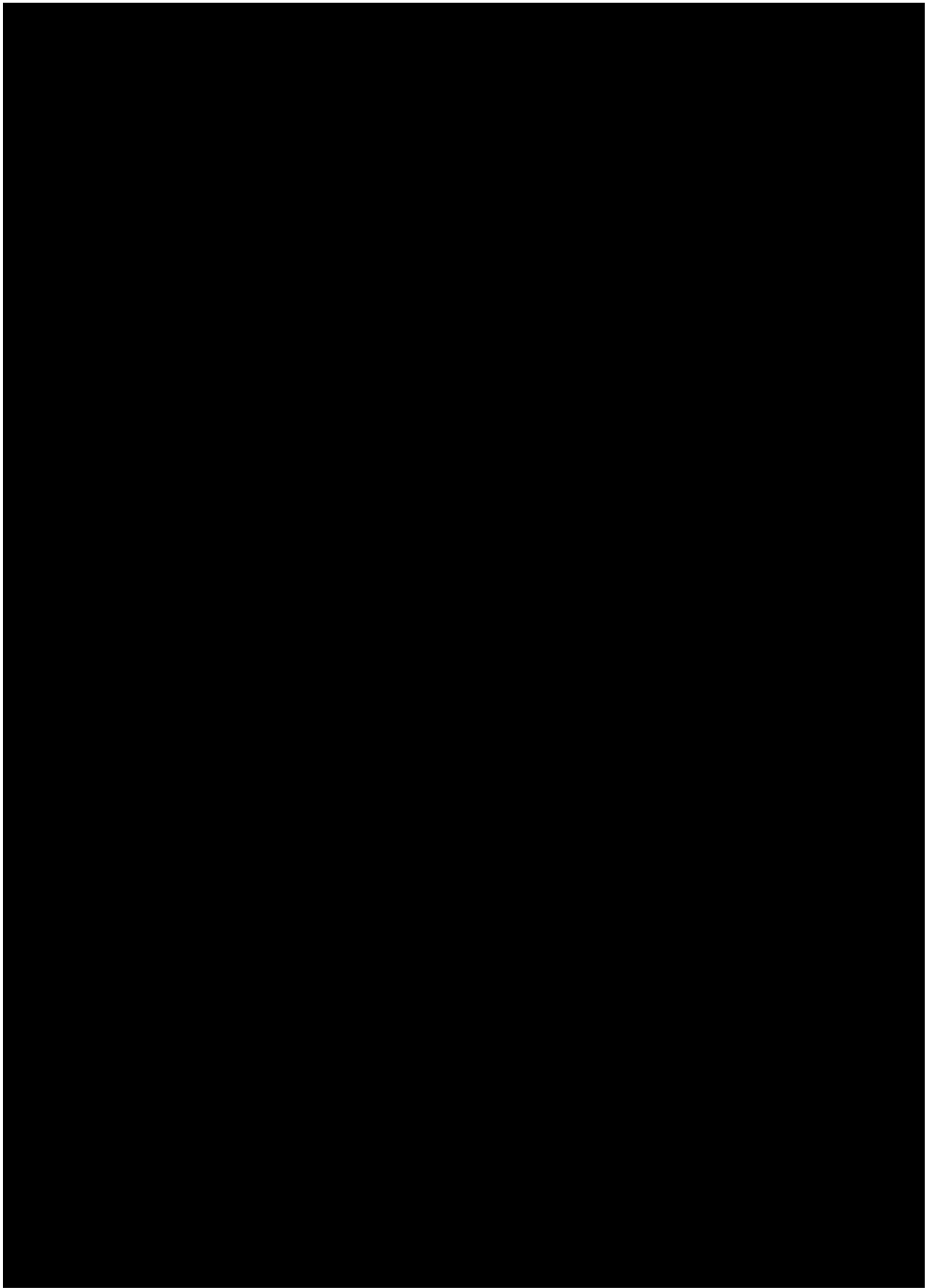




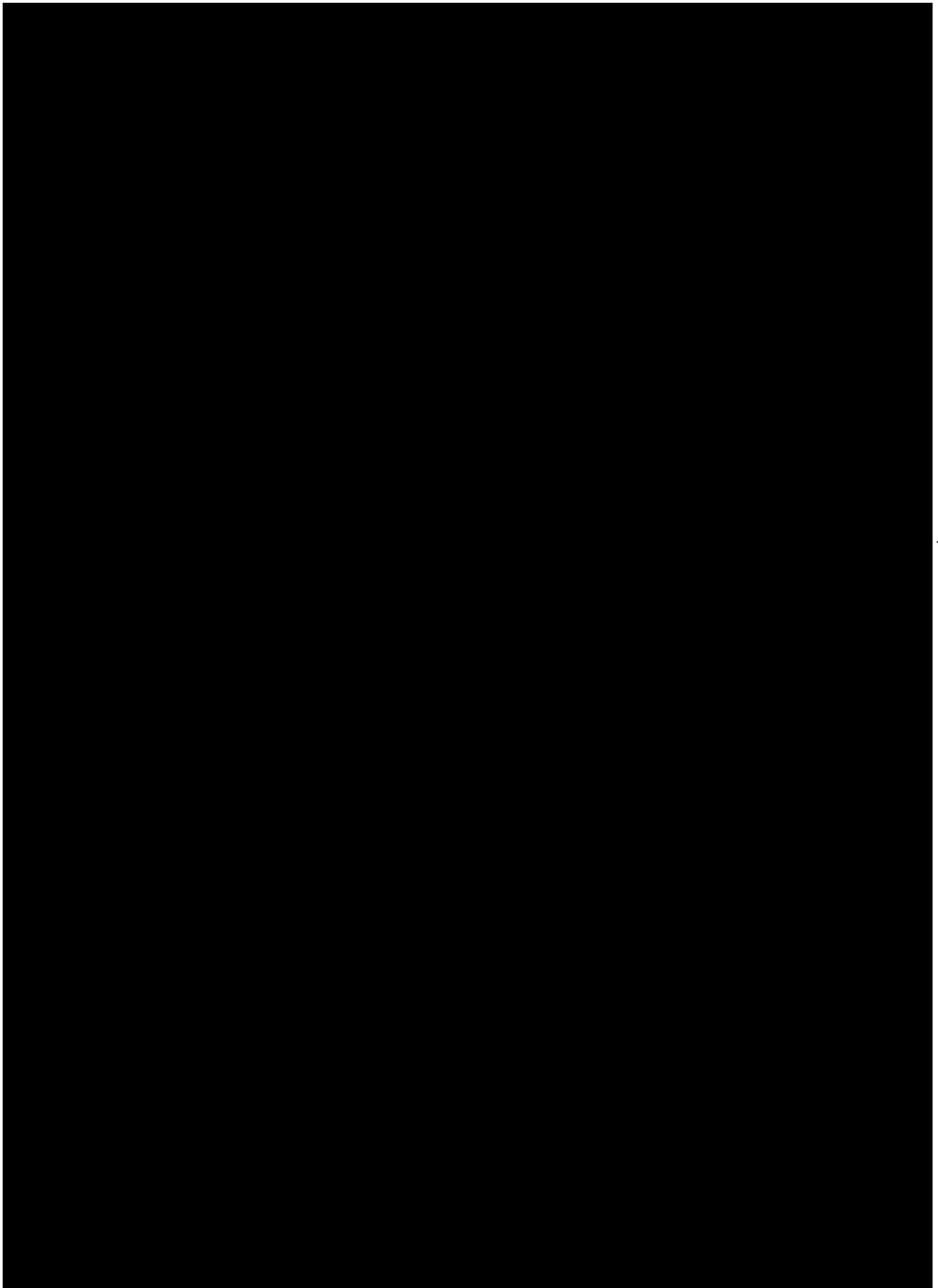


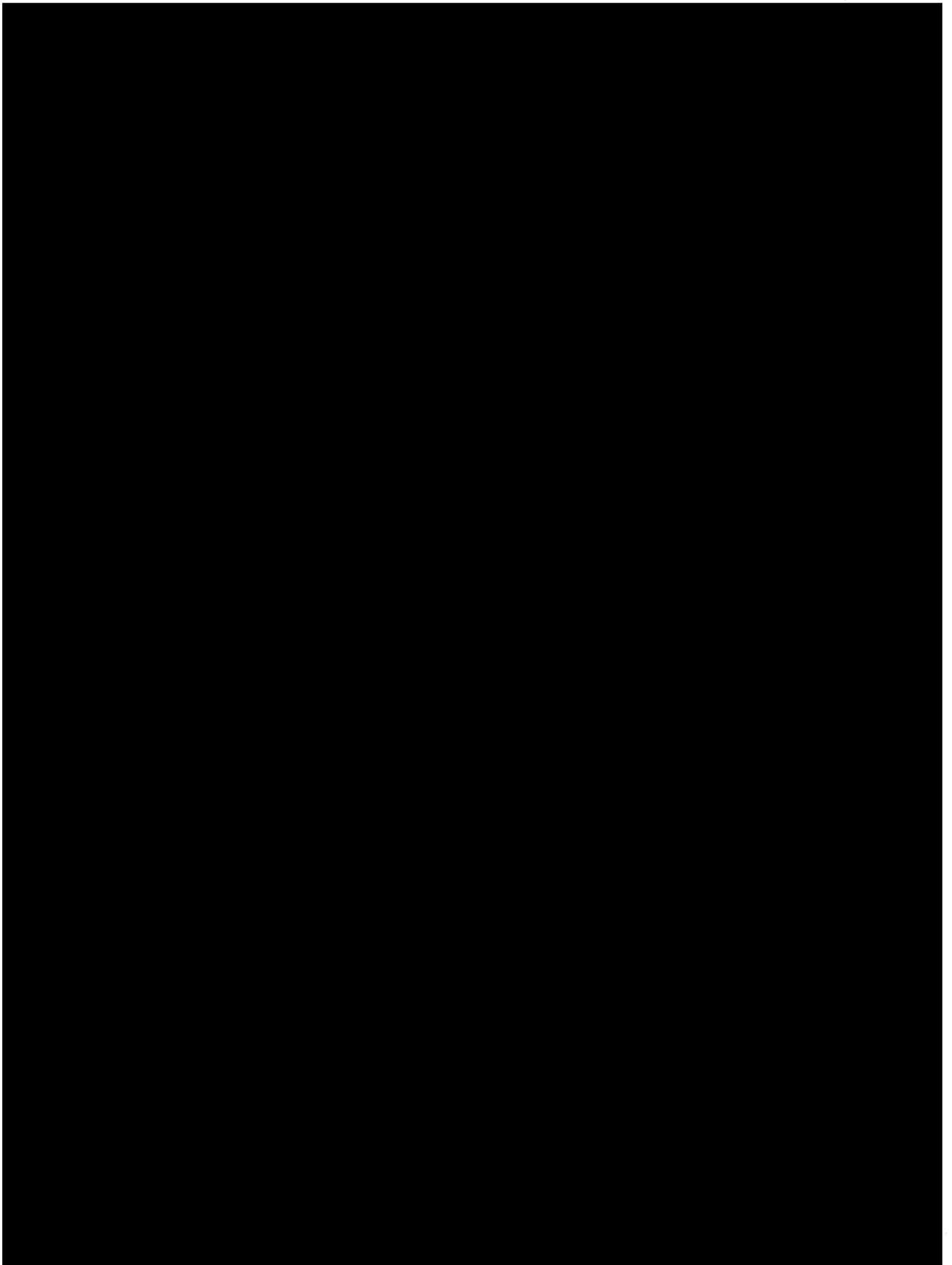


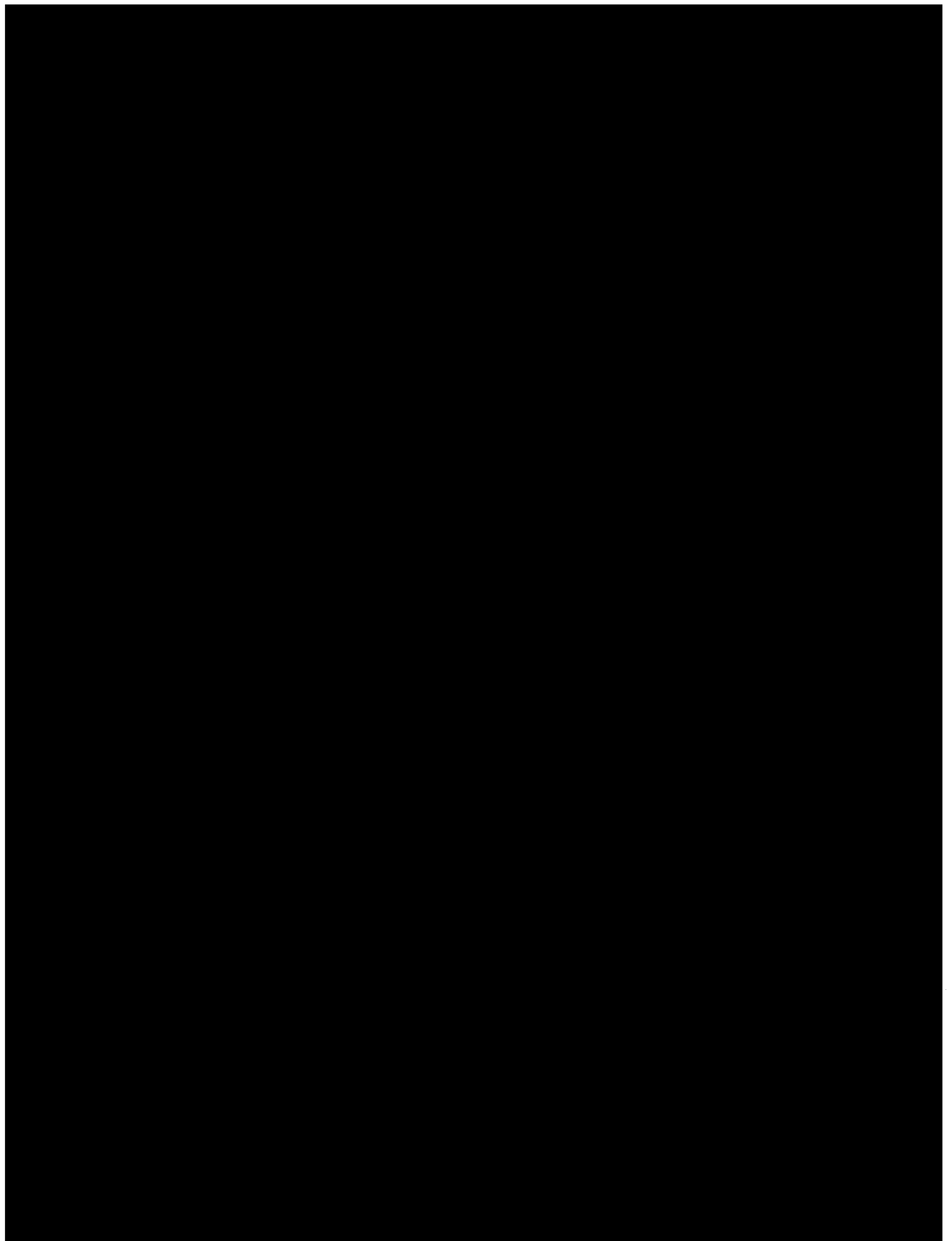




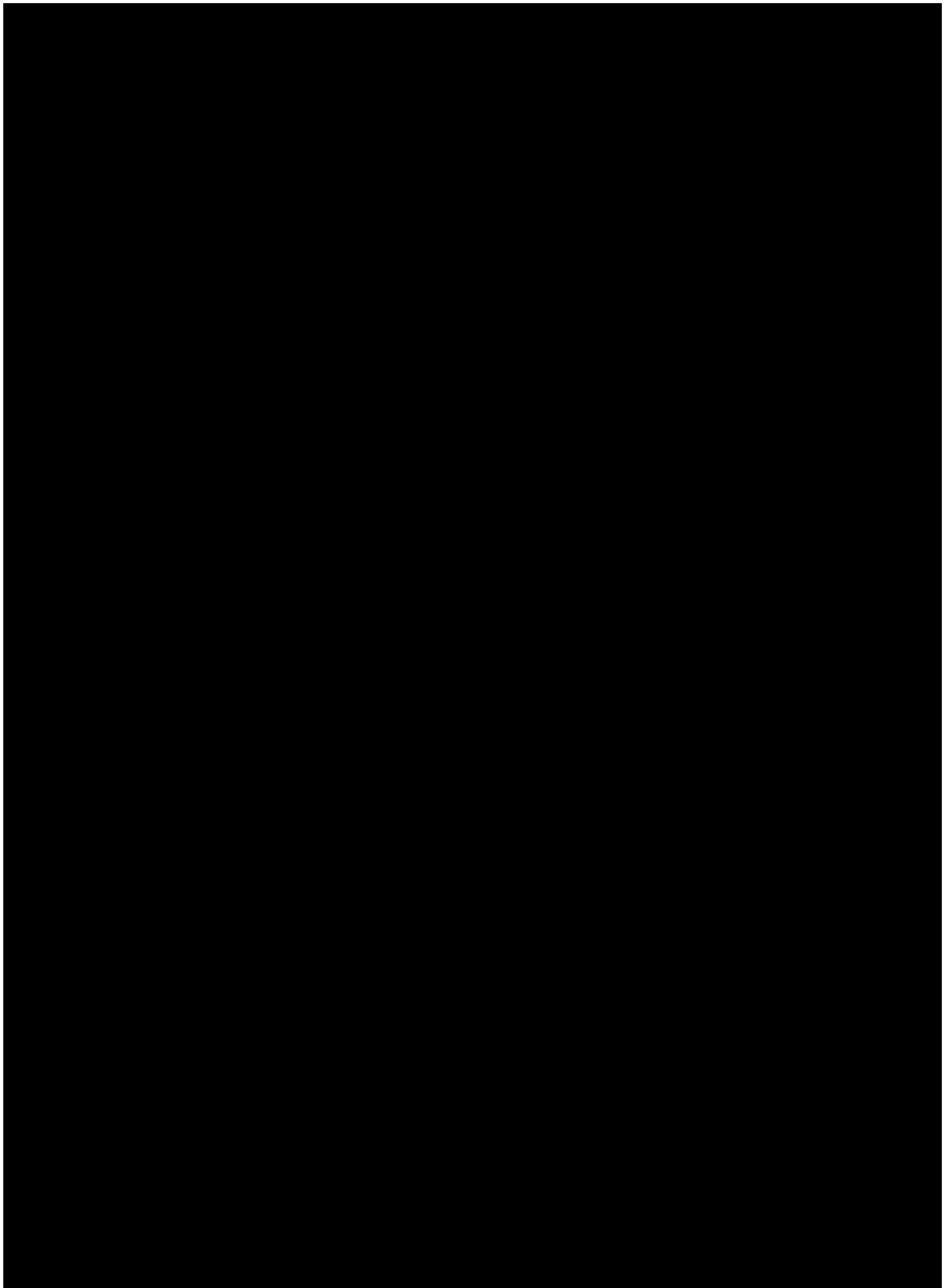


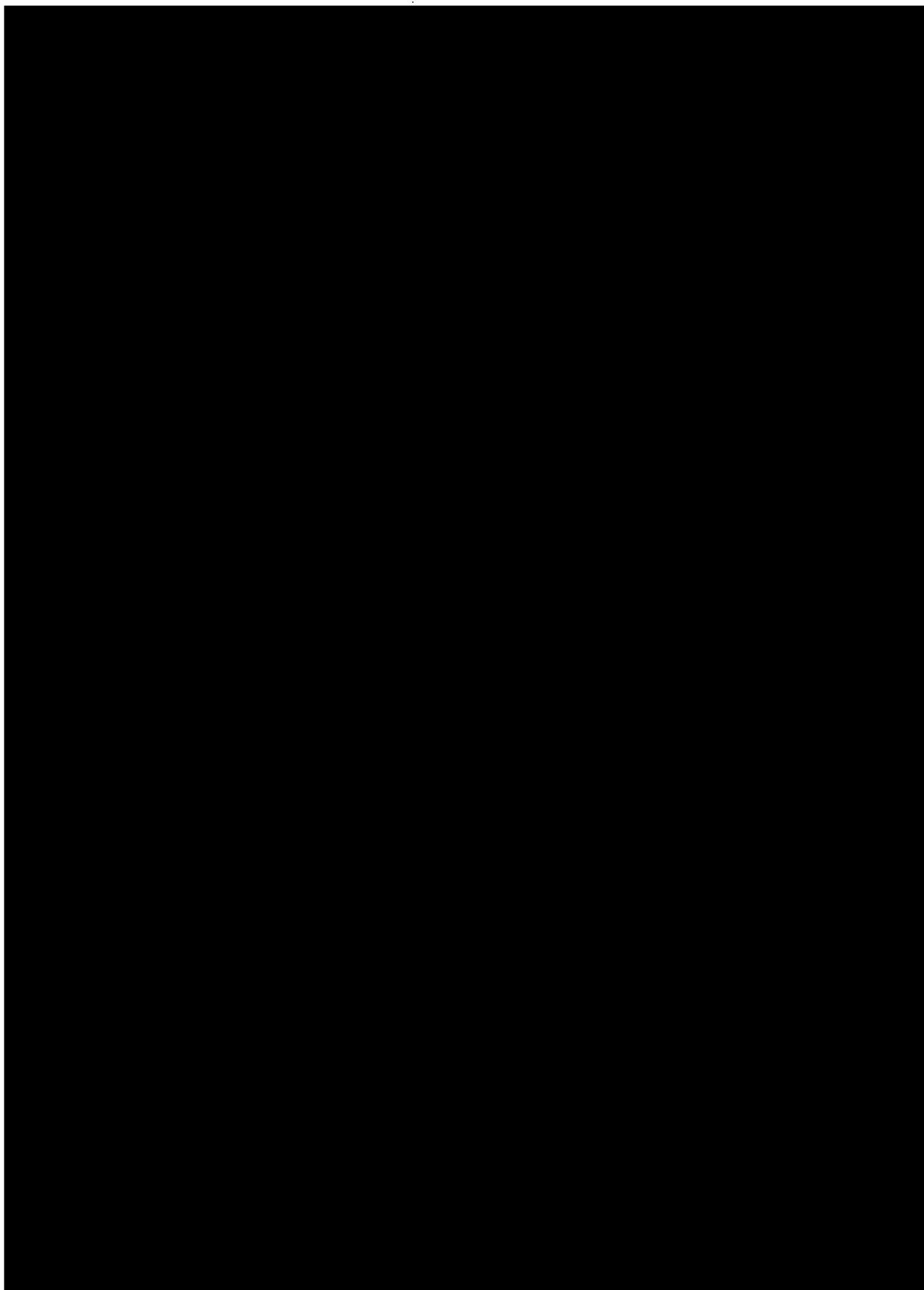


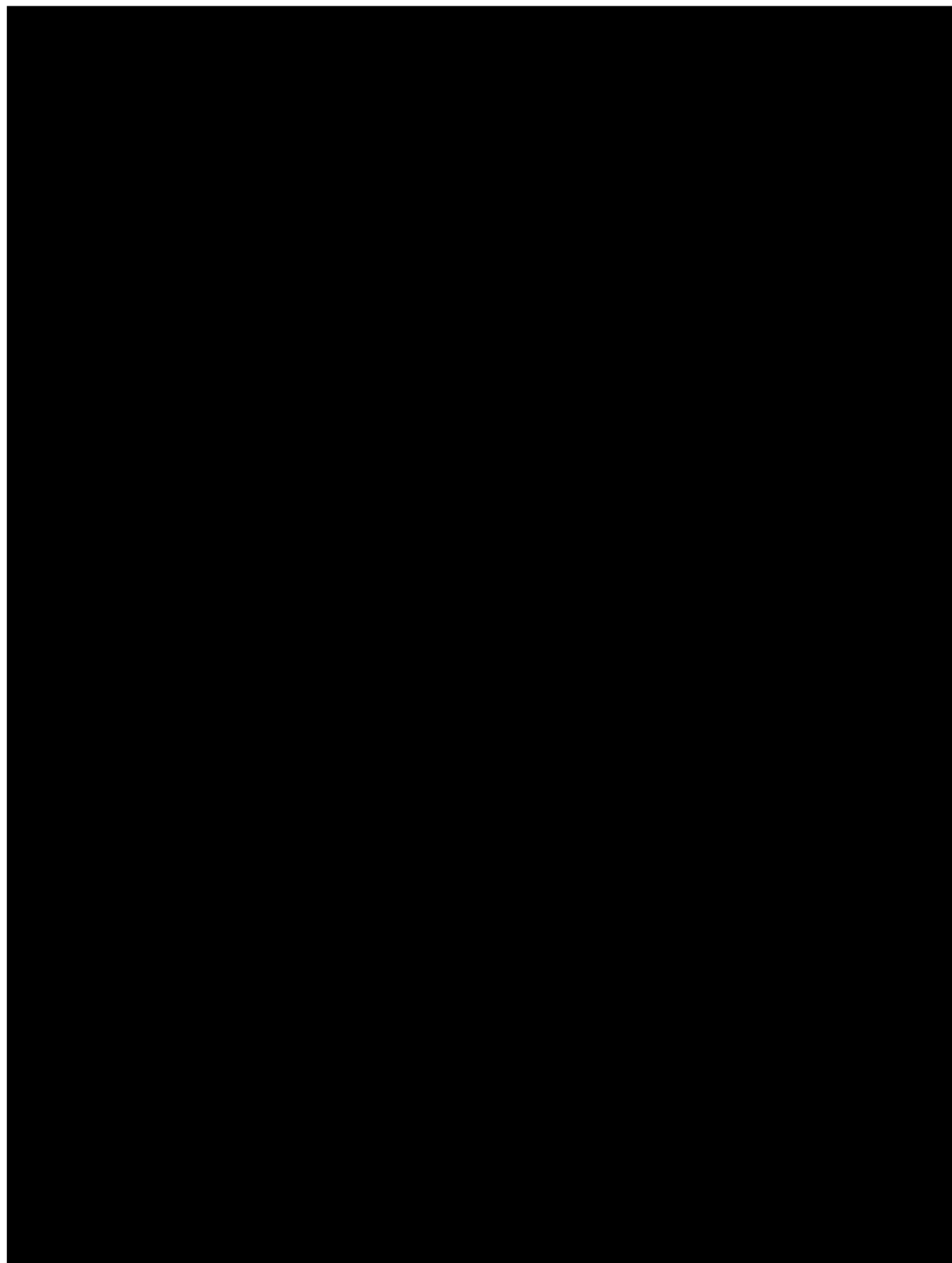


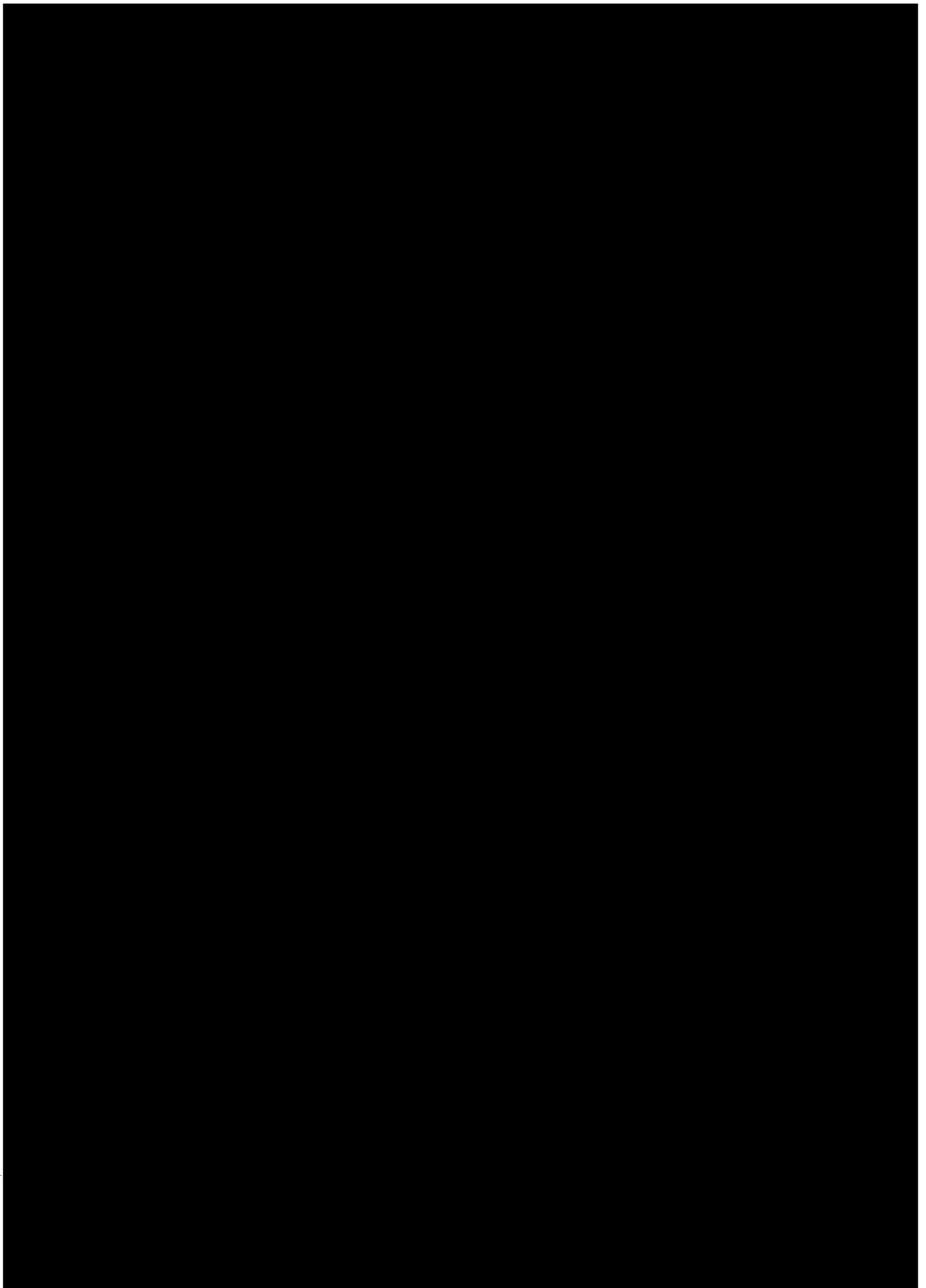




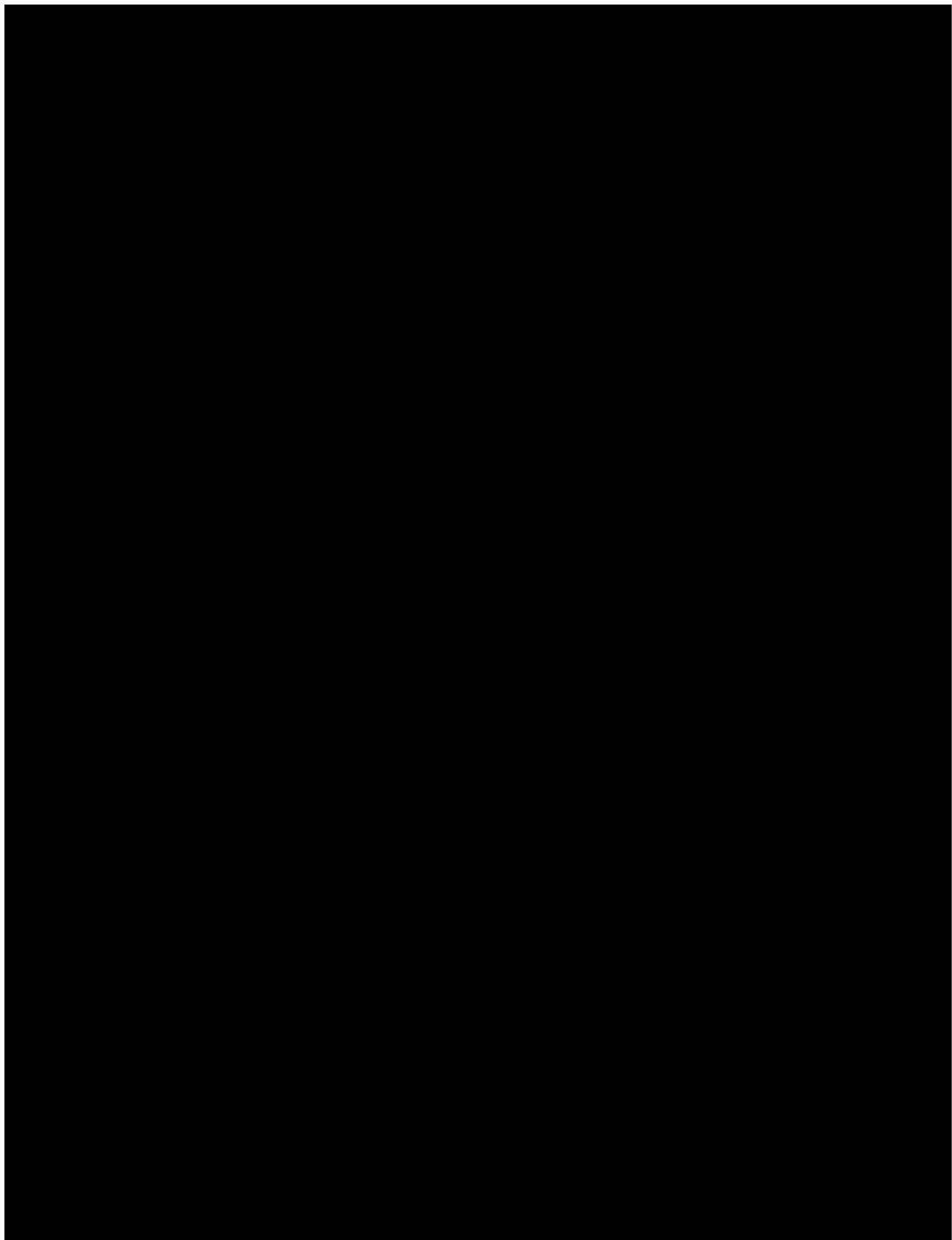


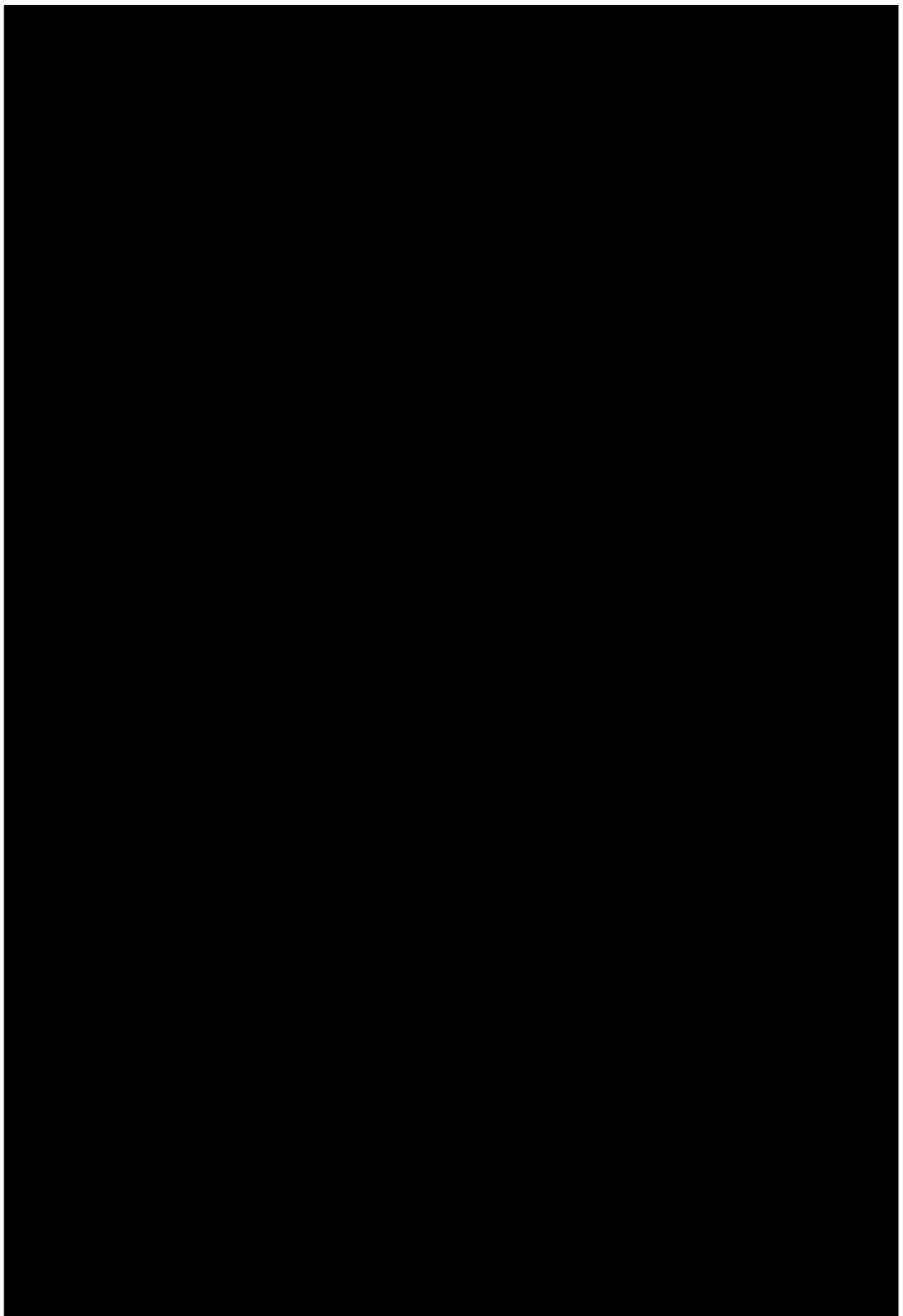


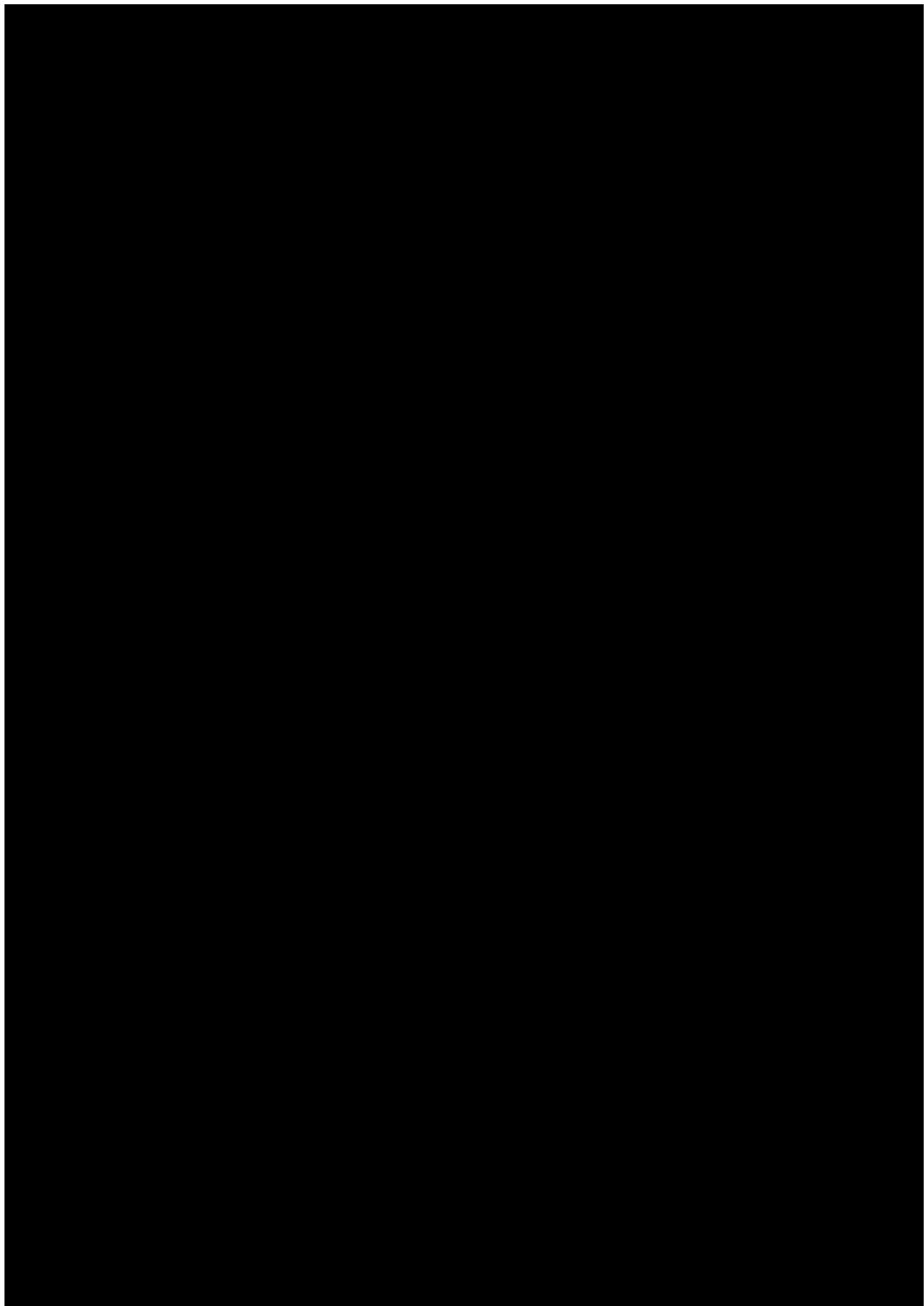


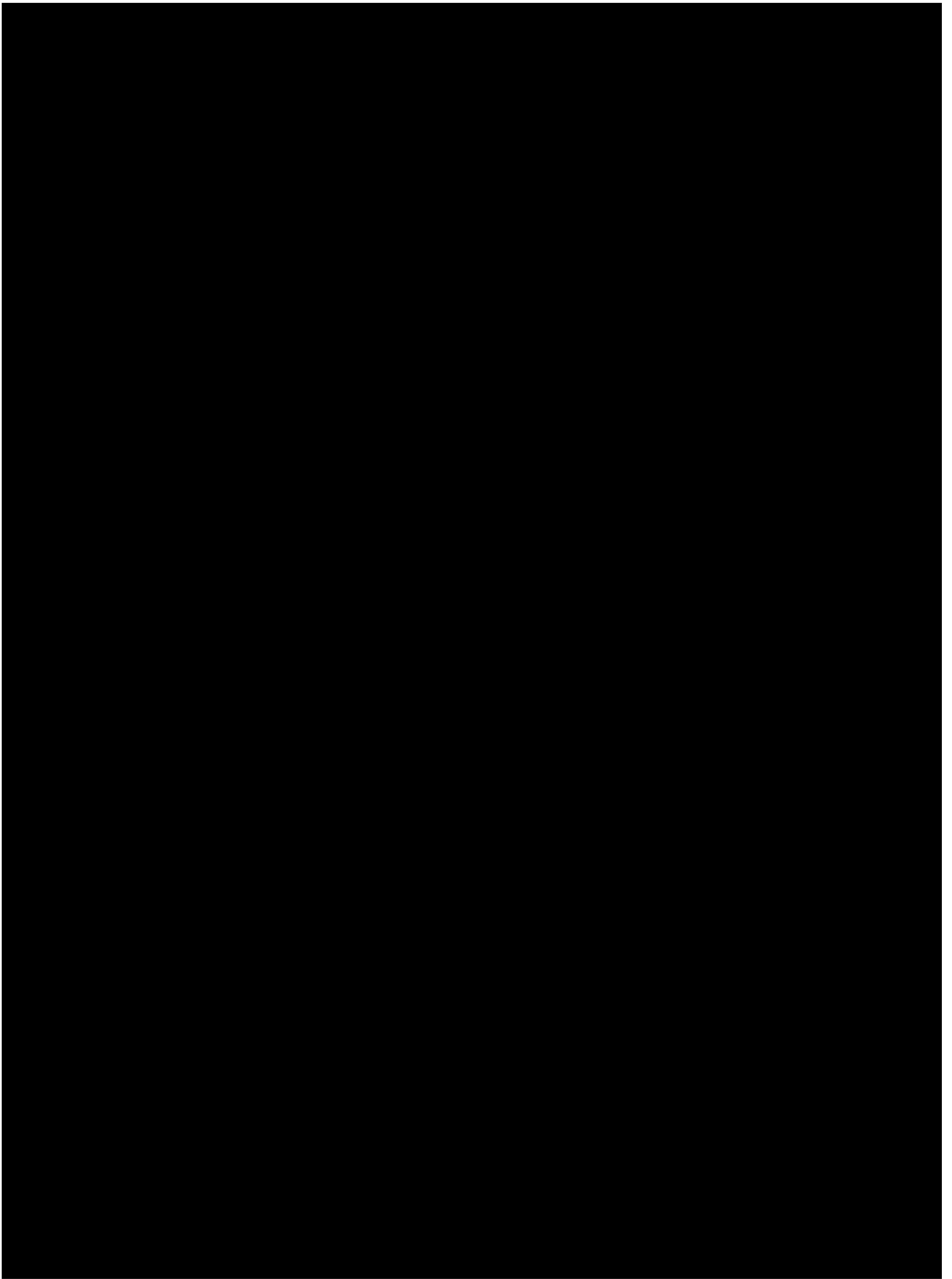


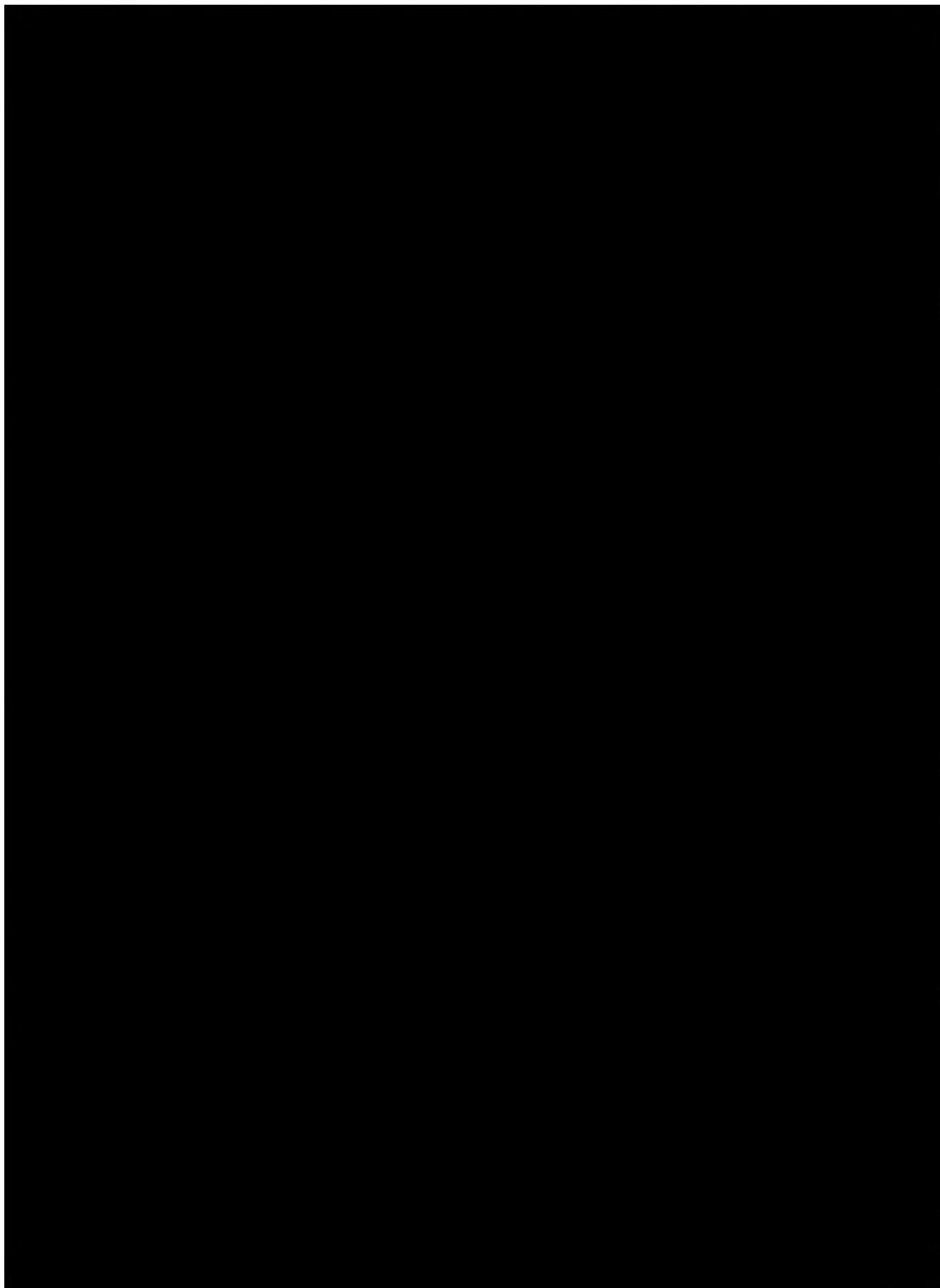


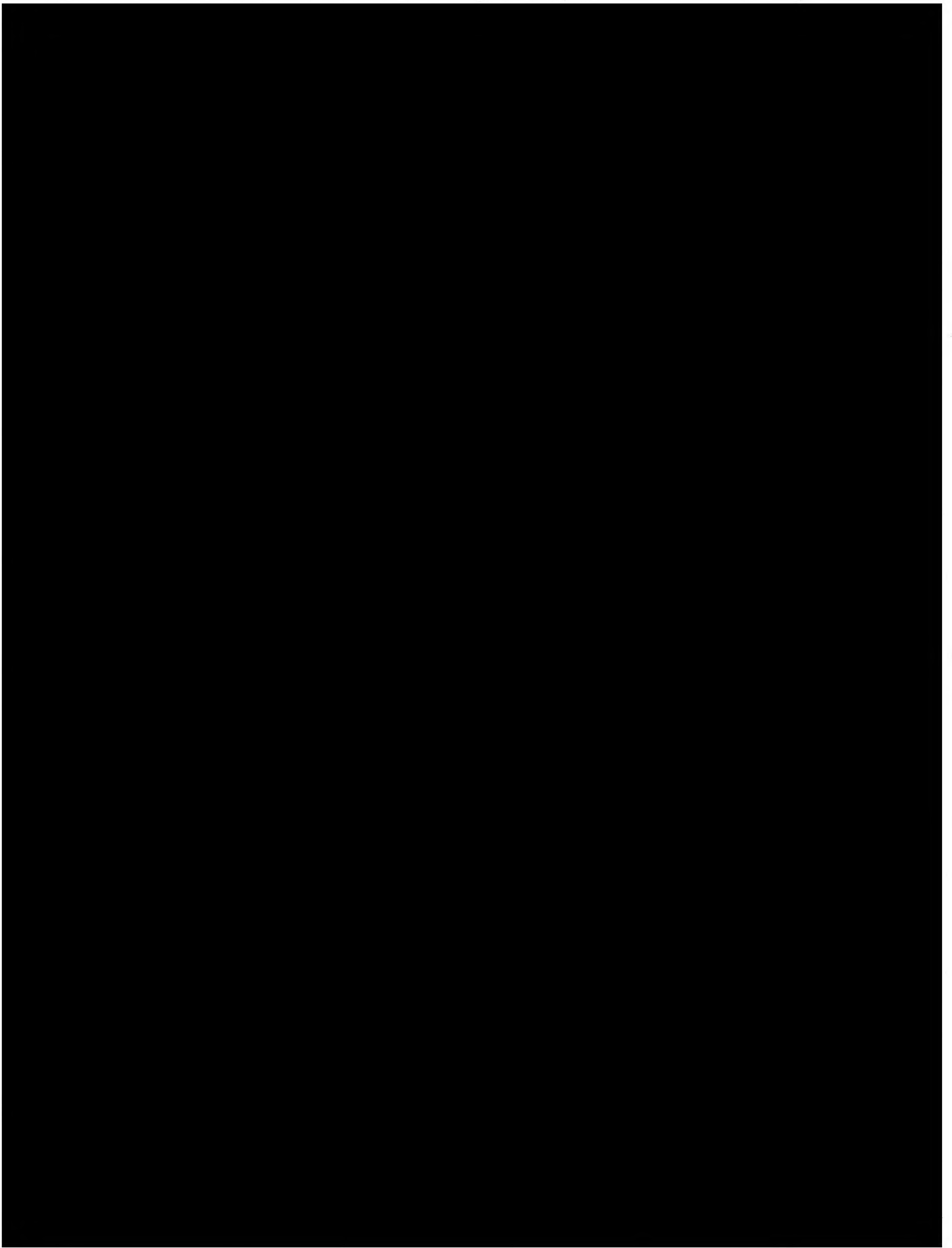


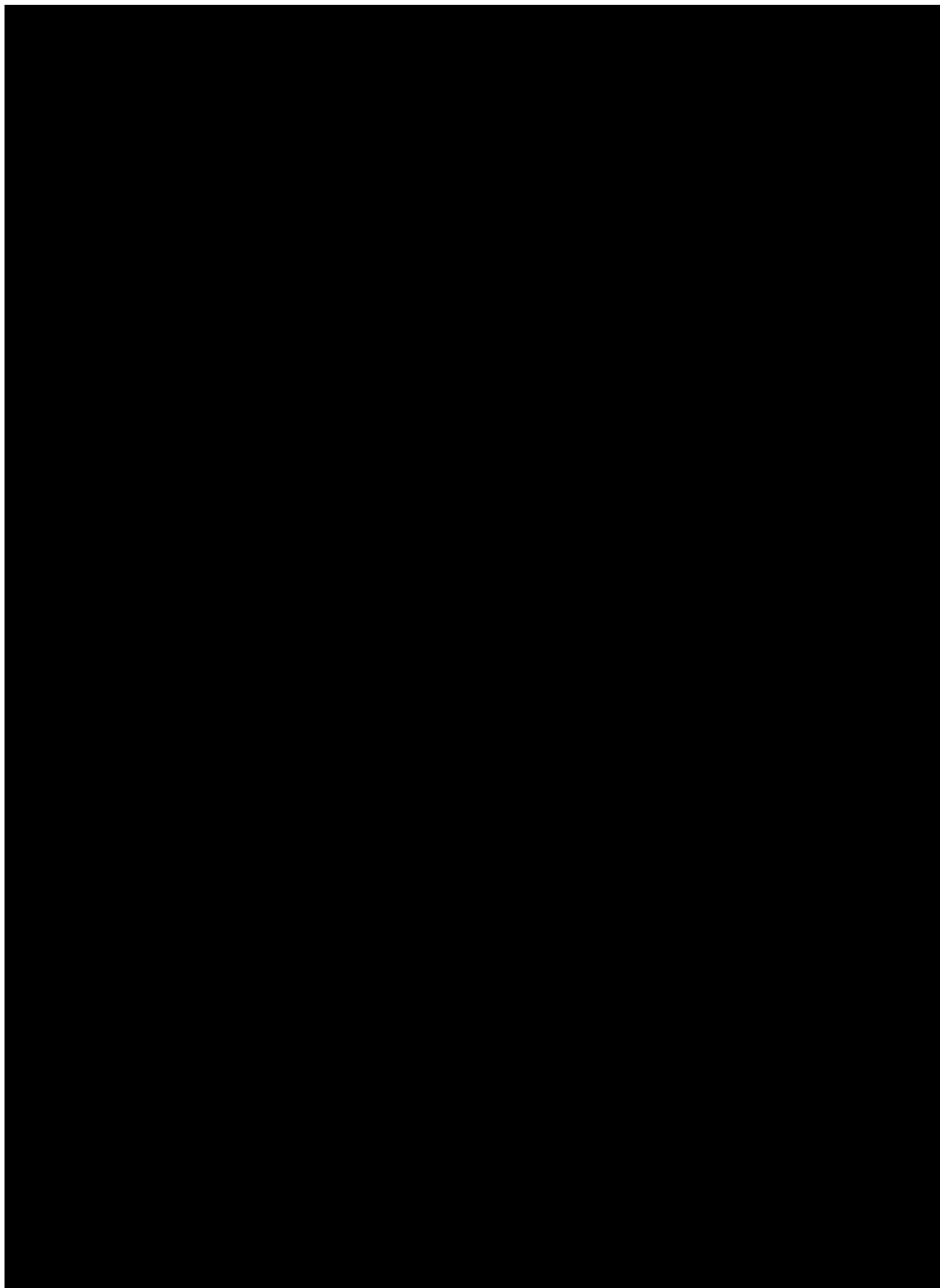


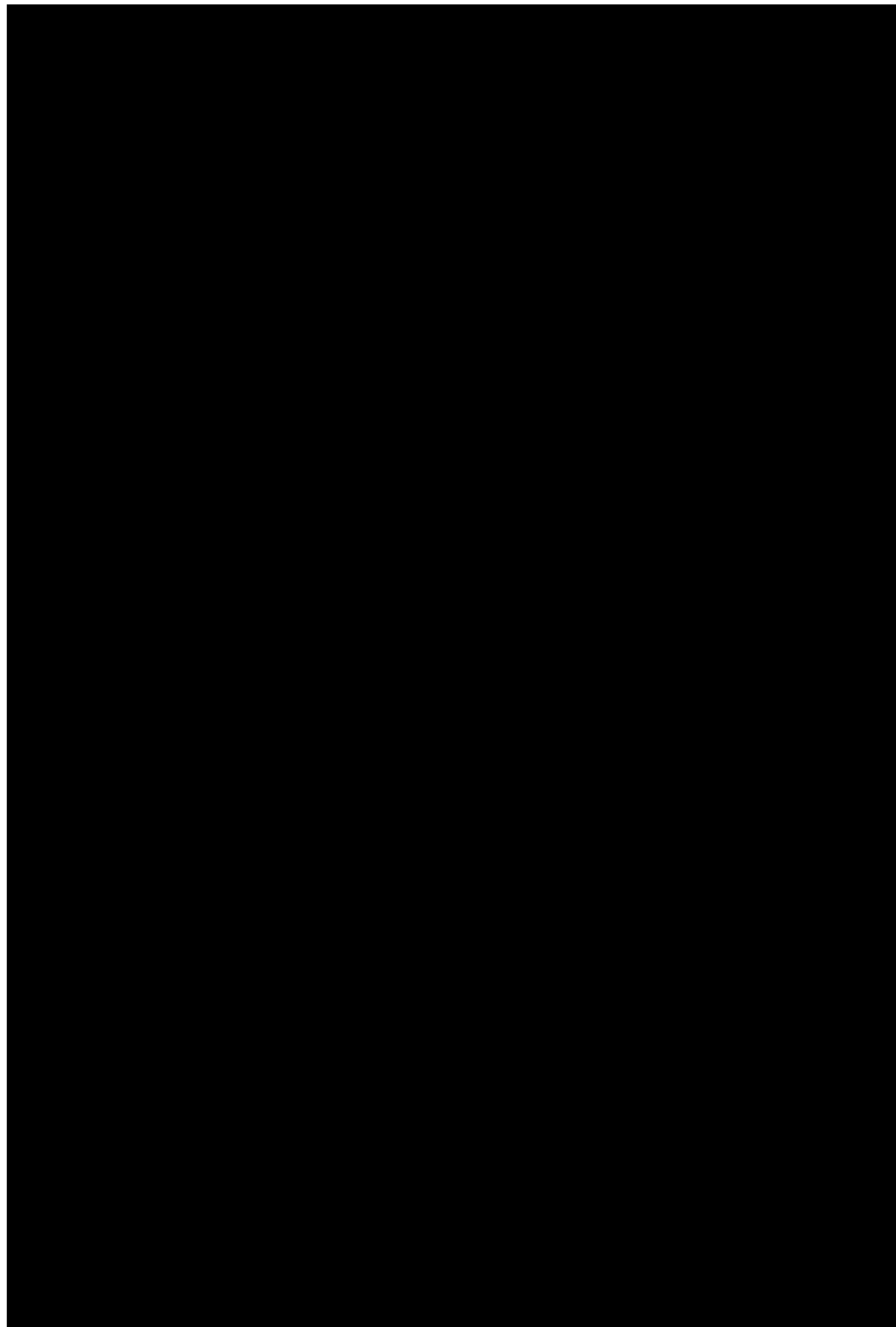




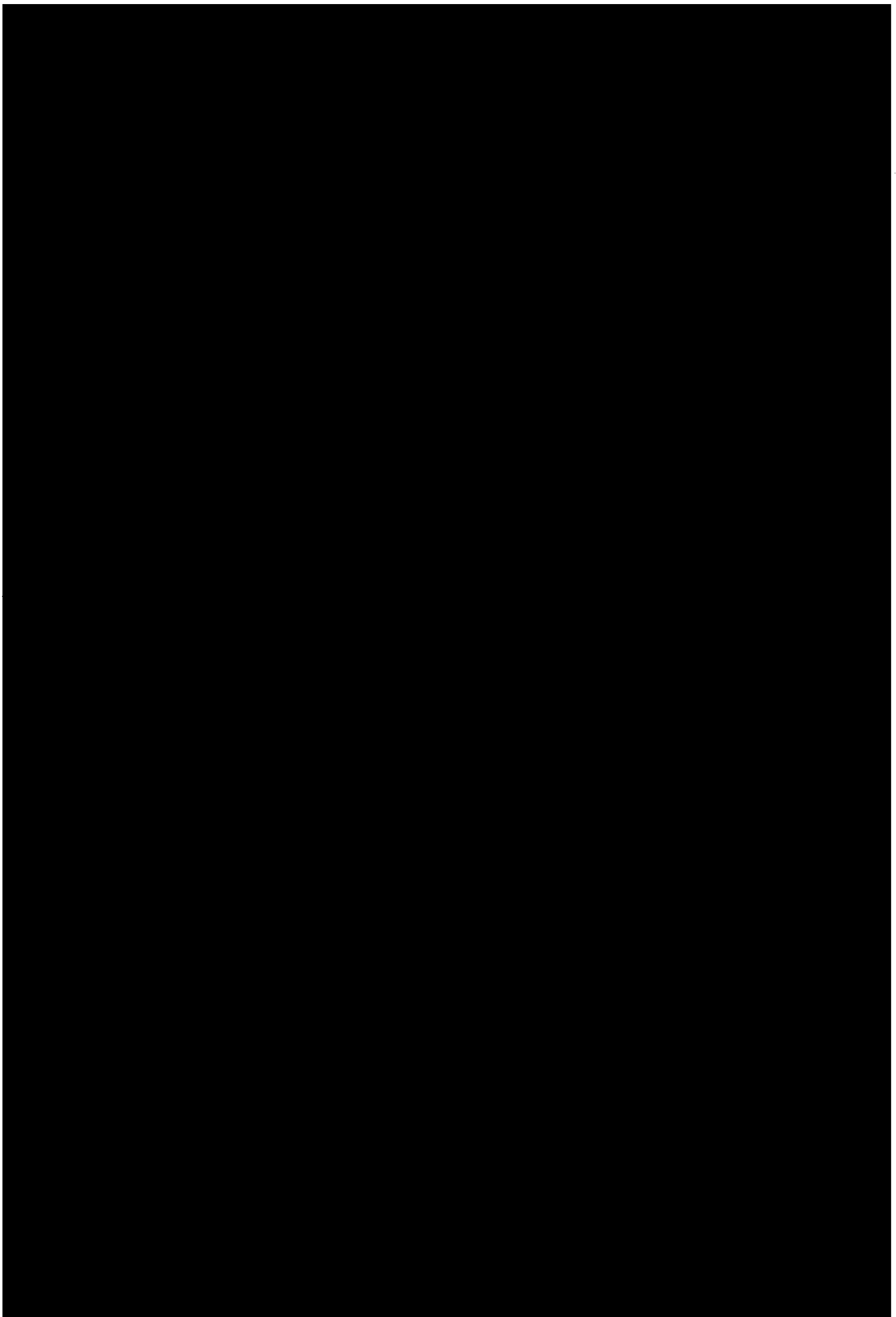


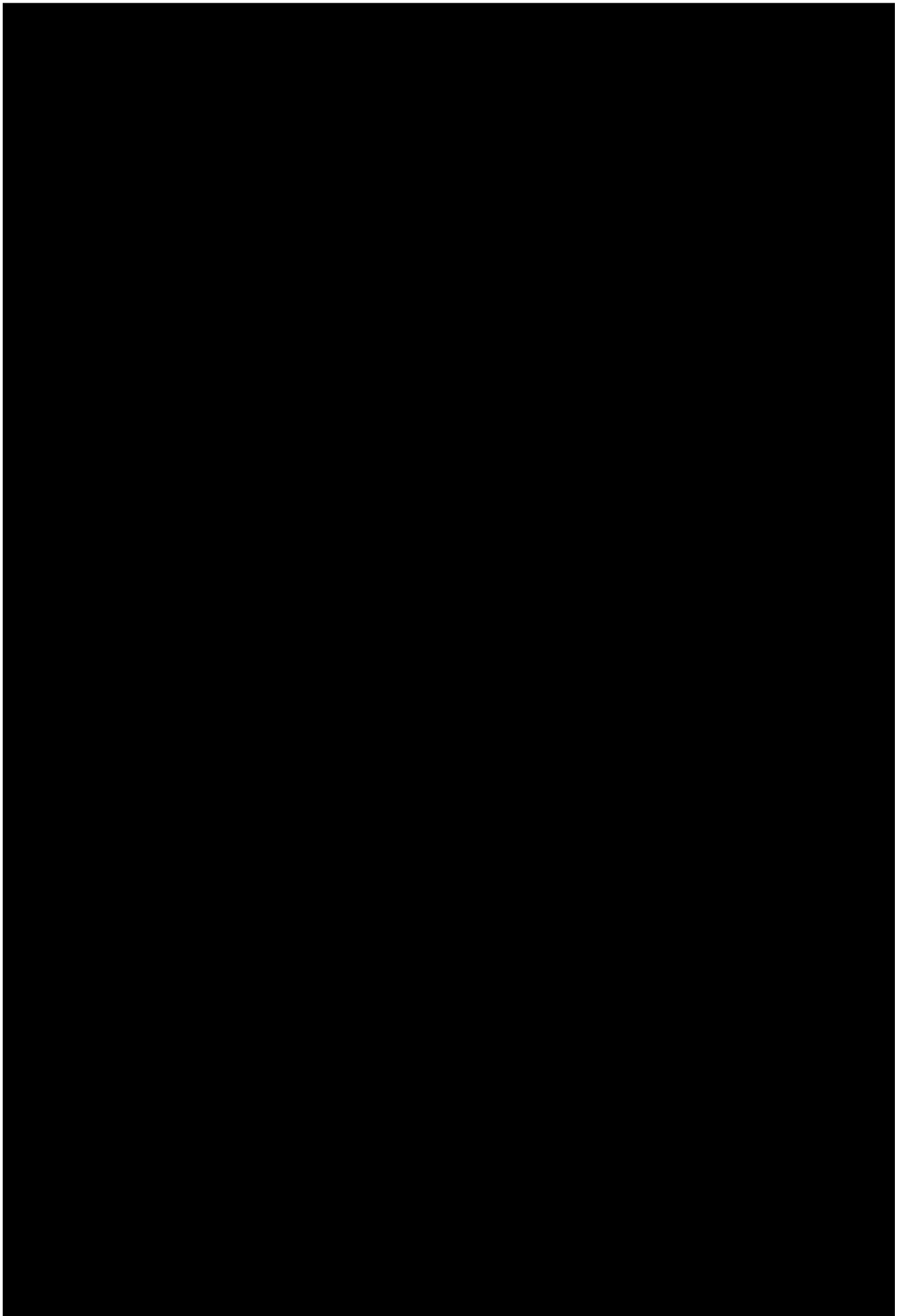


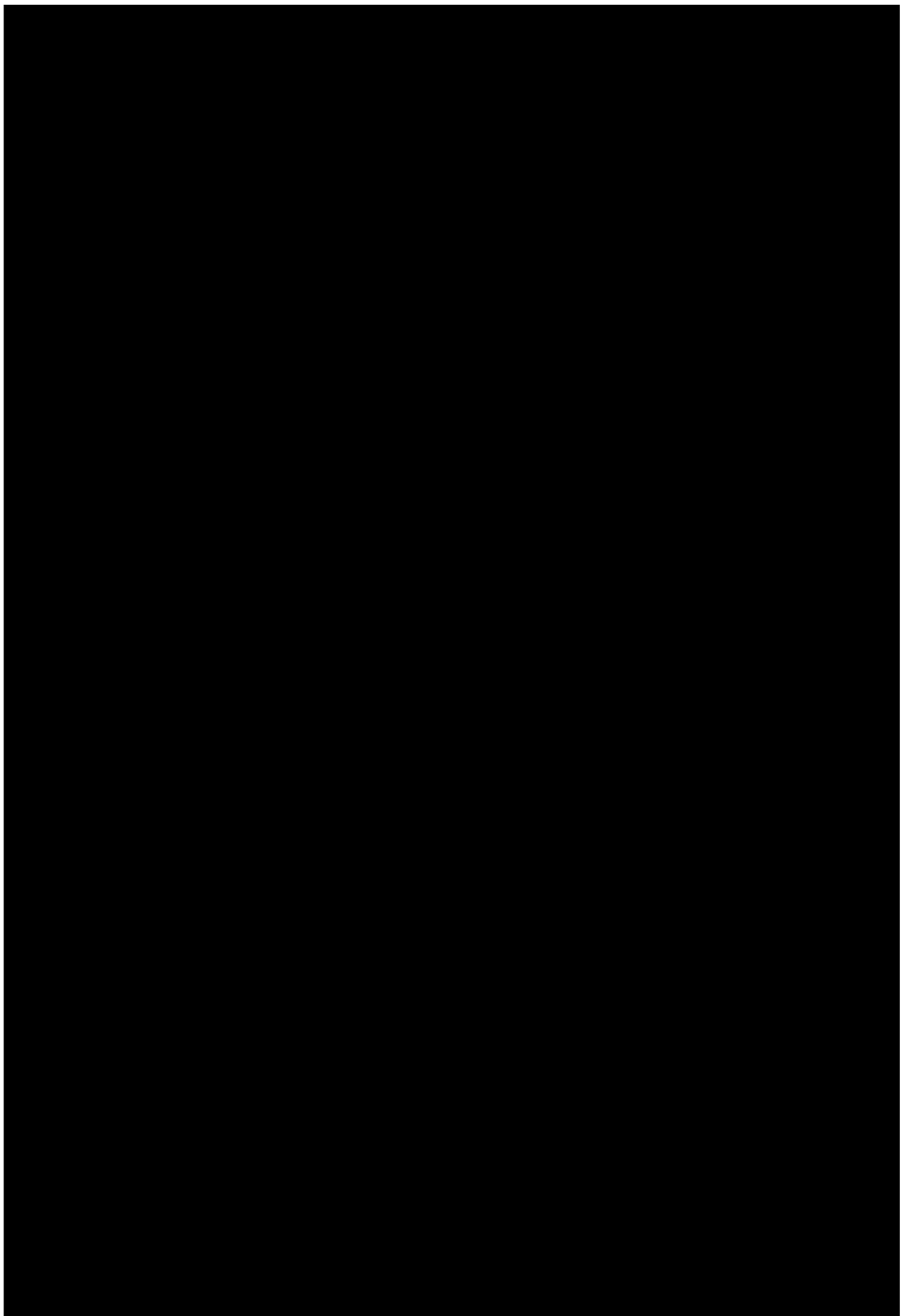


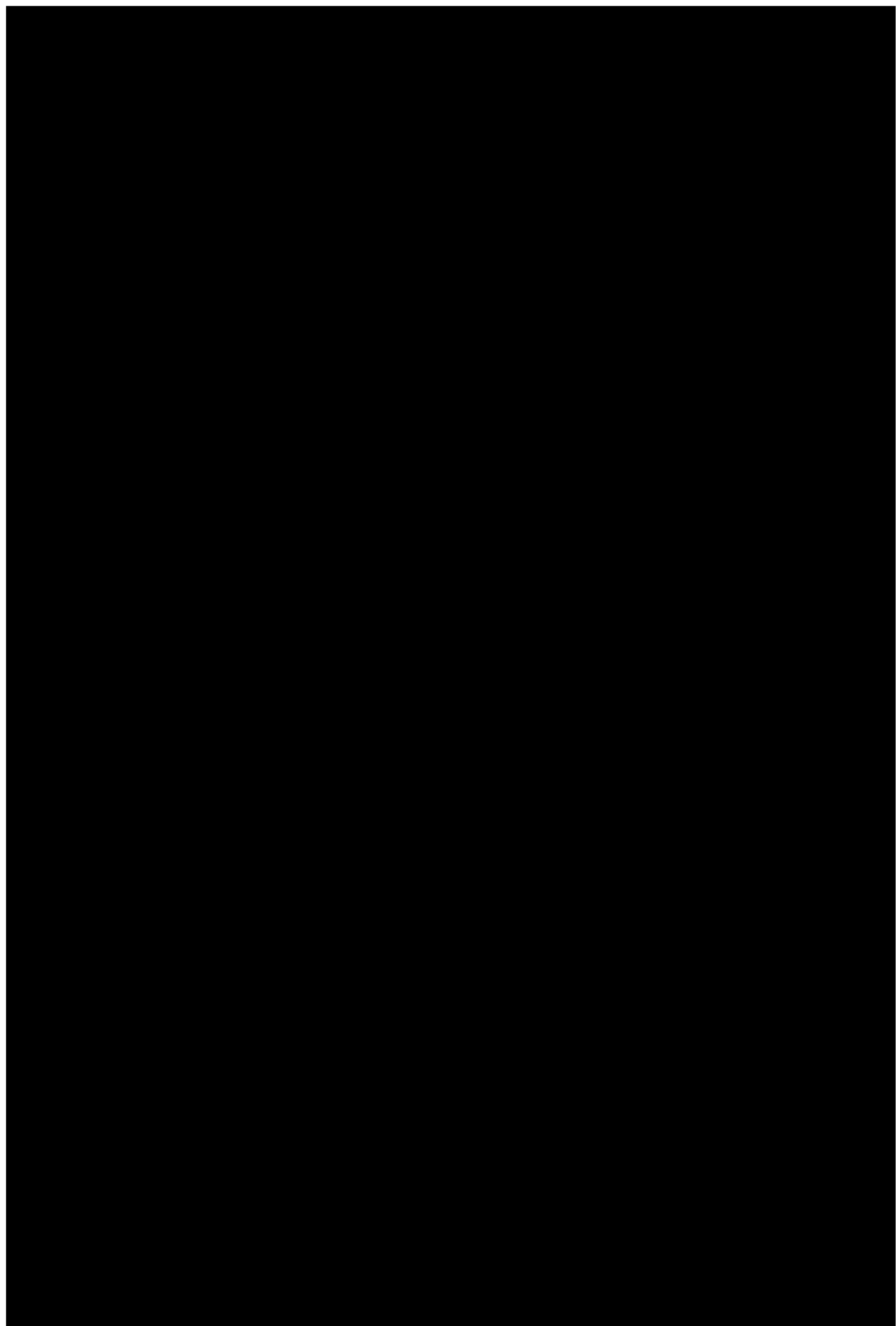


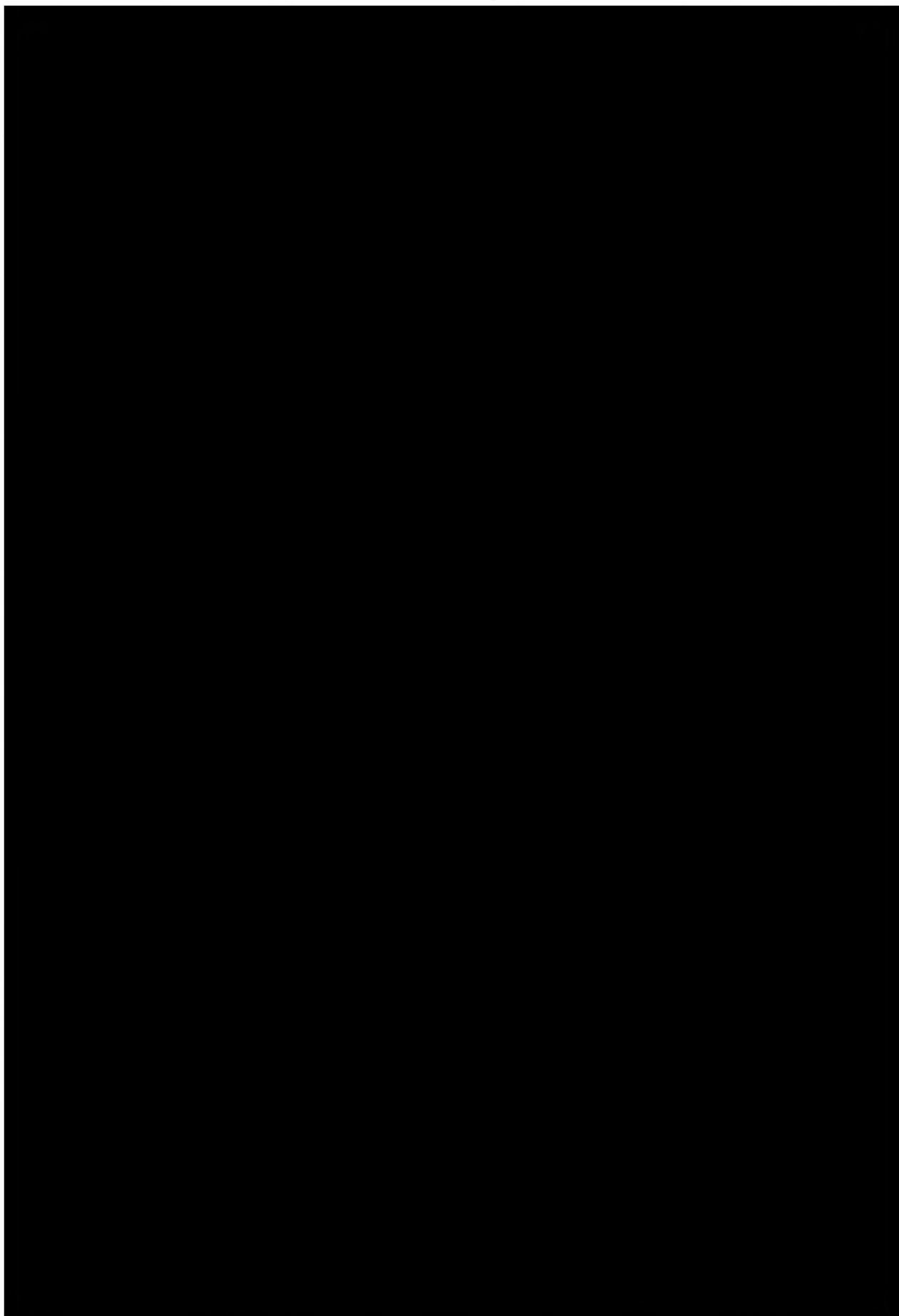


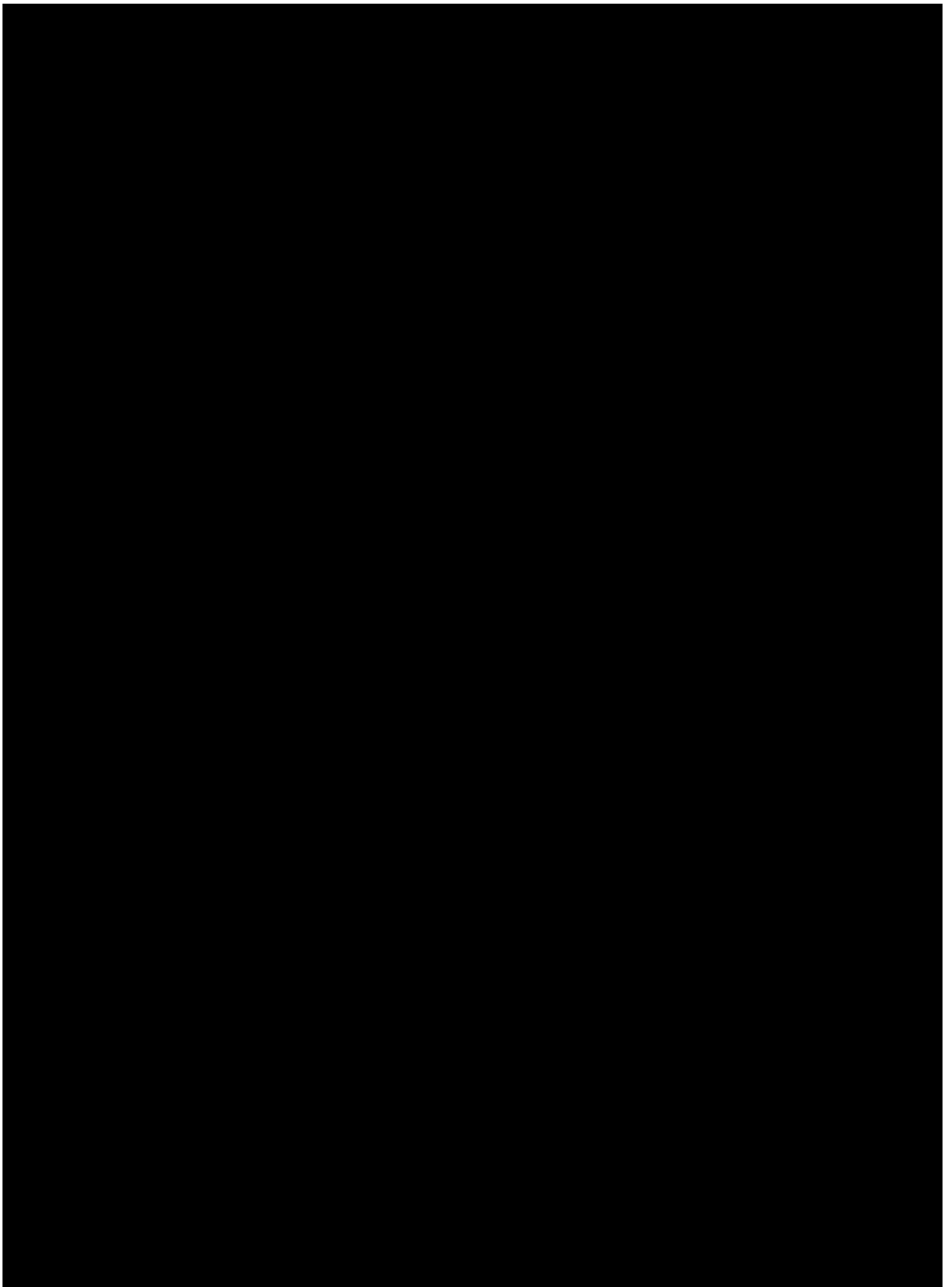






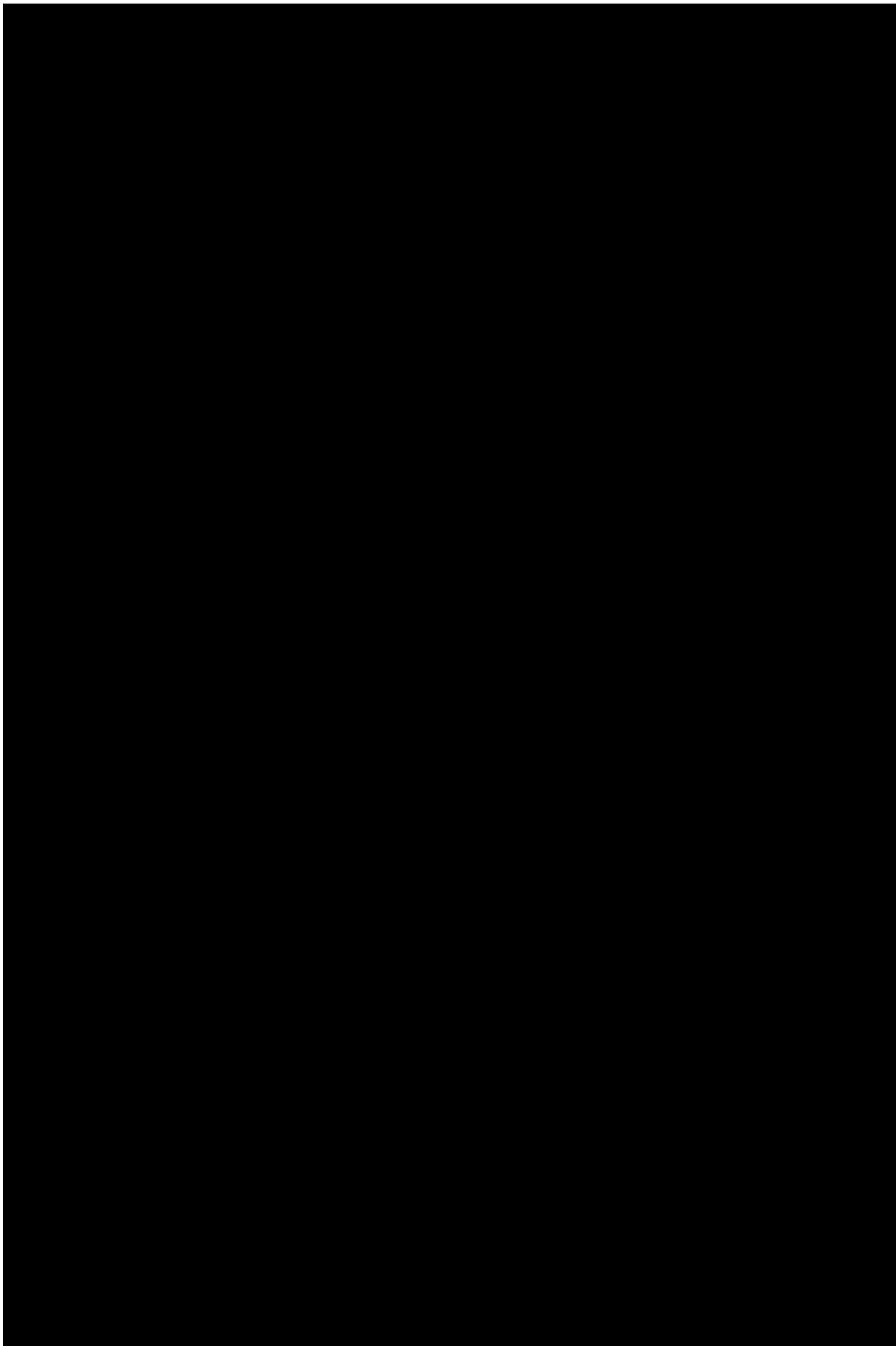








*Contains material claimed as Confidential Business Information  
Handle in Accordance with the Protective Order in This Case*





**EXHIBIT 4**  
**TO DEFENDANTS'**  
**MEMORANDUM OF LAW**  
**IN SUPPORT OF MOTION**  
***IN LIMINE* TO EXCLUDE**  
**THE OPINIONS OF**  
**EDWARD ROTHMAN**

	A	B	C	D	E	F
1	EAF					
2	Average	78.47				
3	Stan. Dev	27.17				
4	N	308				
5	Variance	738.2089				
6	sum squares	227368.3412				
7						
8						
9	standard error	5.94				
10						
11		0.00356228	0.003884		0.003257	
12		0.059684843	0.062326		0.057071	
13		0.694874814	0.72562		0.664438	
14		1.001779557	1.062326		1.001627	
15		11.66311831	12.36802		11.66134	
16						
17	Confidence Interval for mean NCF at EAF of 70		60.90513	62.29487		
18	Predictive Interval for NCF at Eaf of 70		49.93688	73.26312		
19						
20	Confidence Interval for mean NCF at EAF of 90		78.47438	79.92562		
21	Predictive Interval for NCF at EAF of 90		66.83198	91.56802		
22						
23	Confidence Interval for mean NCF at EAF 80		69.73556	71.06444		
24	Predictive Interval for NCF at EAF 80		58.73866	82.06134		

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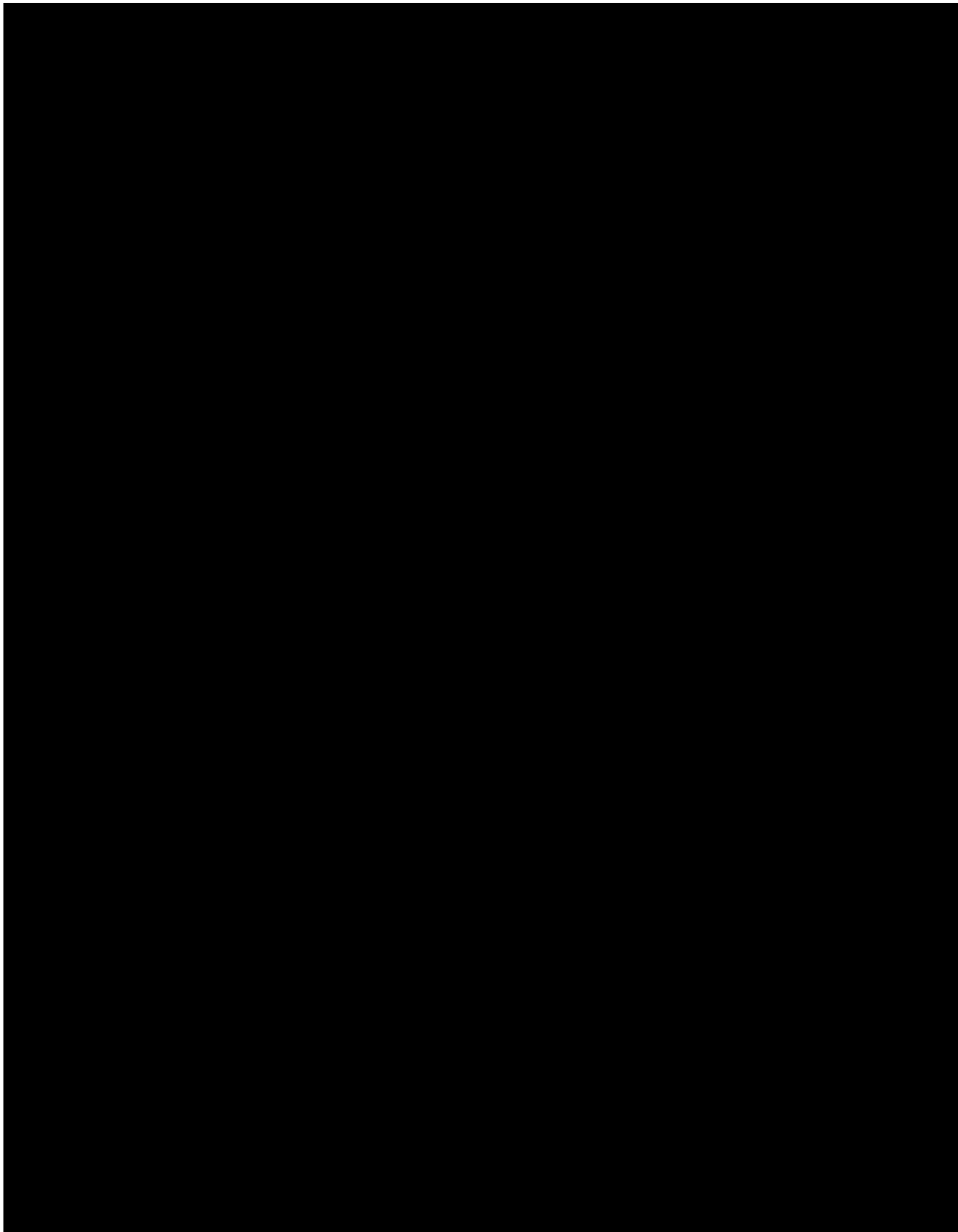
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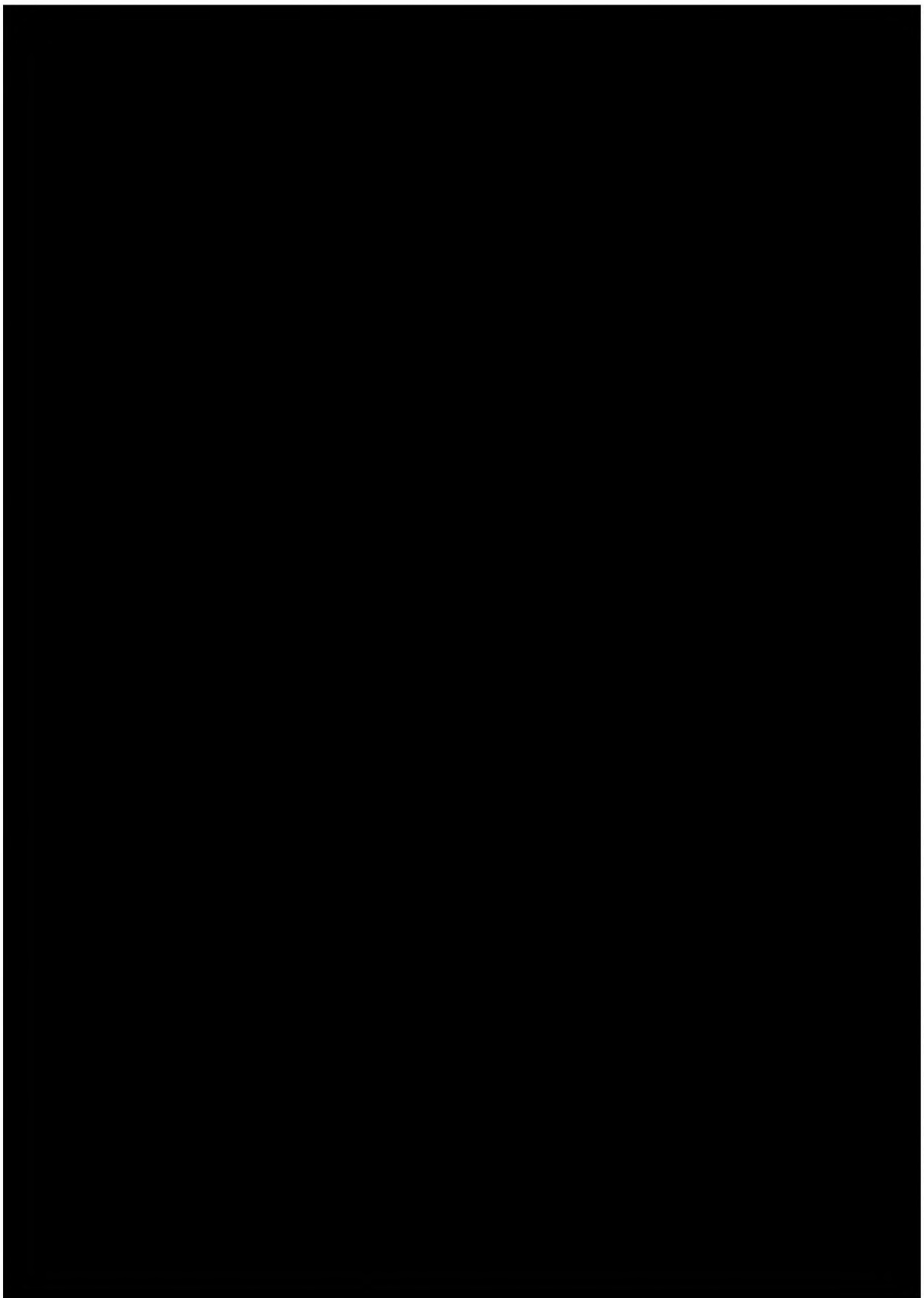
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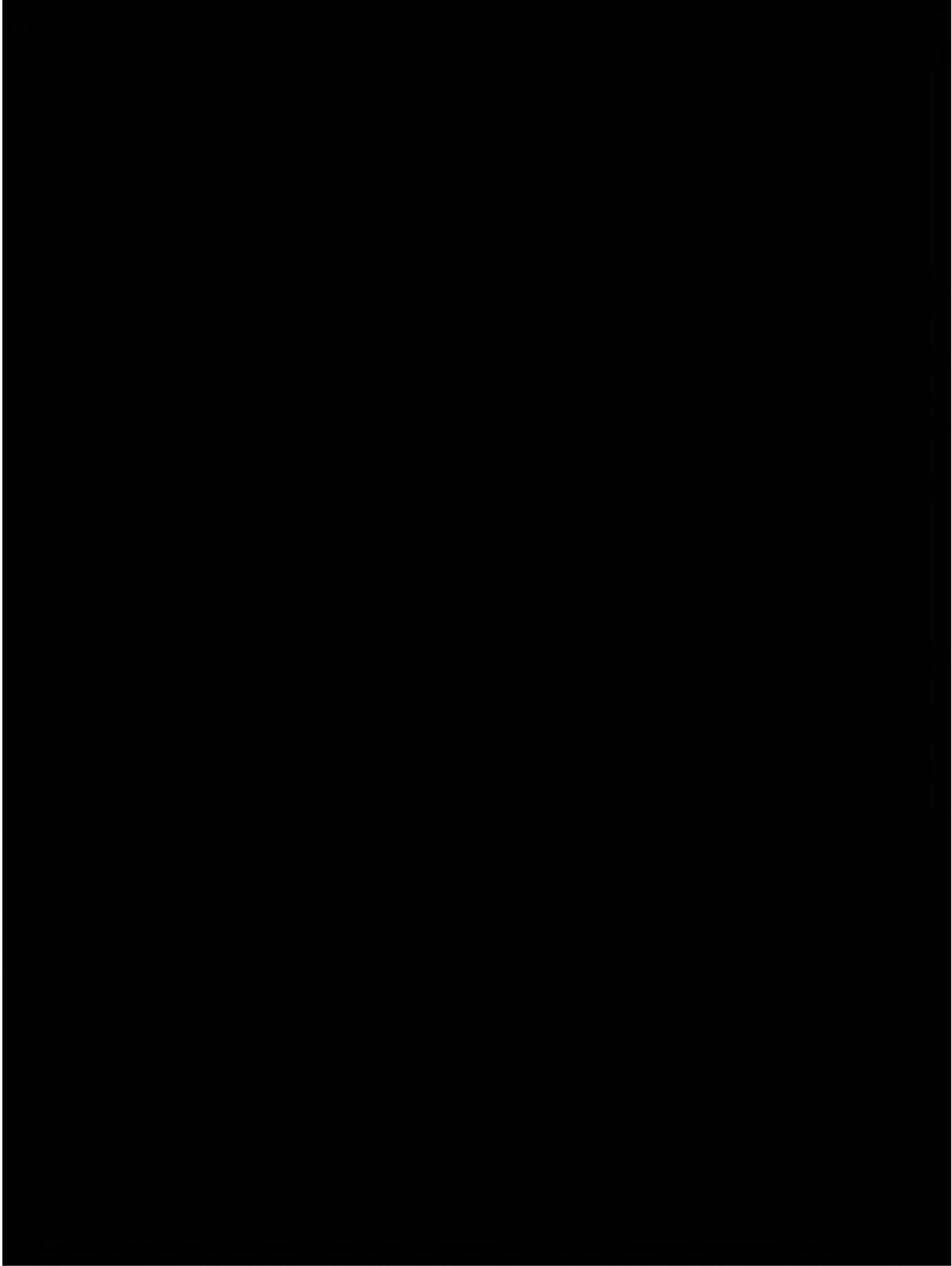
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**EXHIBIT 5**

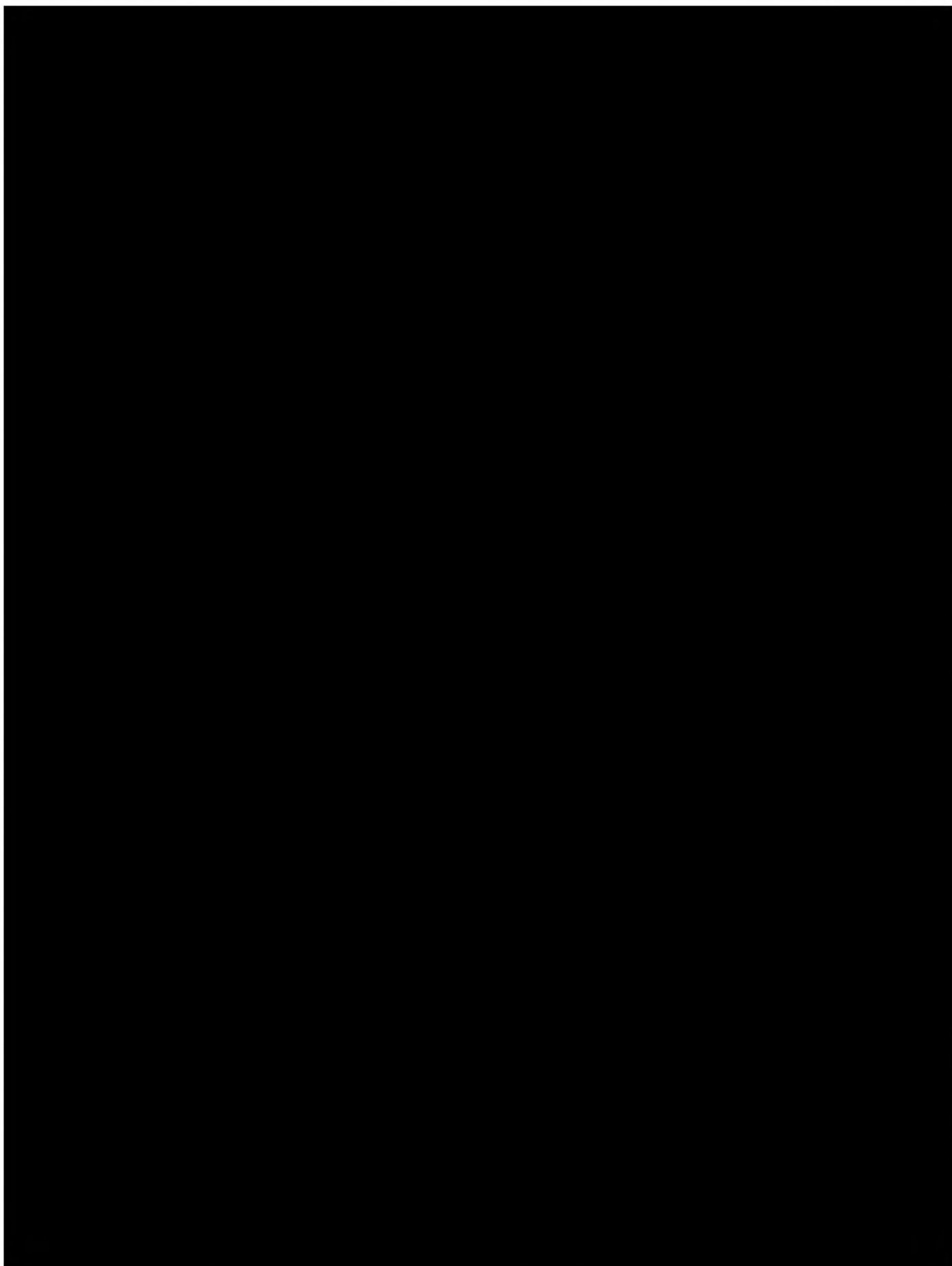
**Rebuttal and Supplemental Expert Report of Philip Hayet (July 5, 2011 revised)**



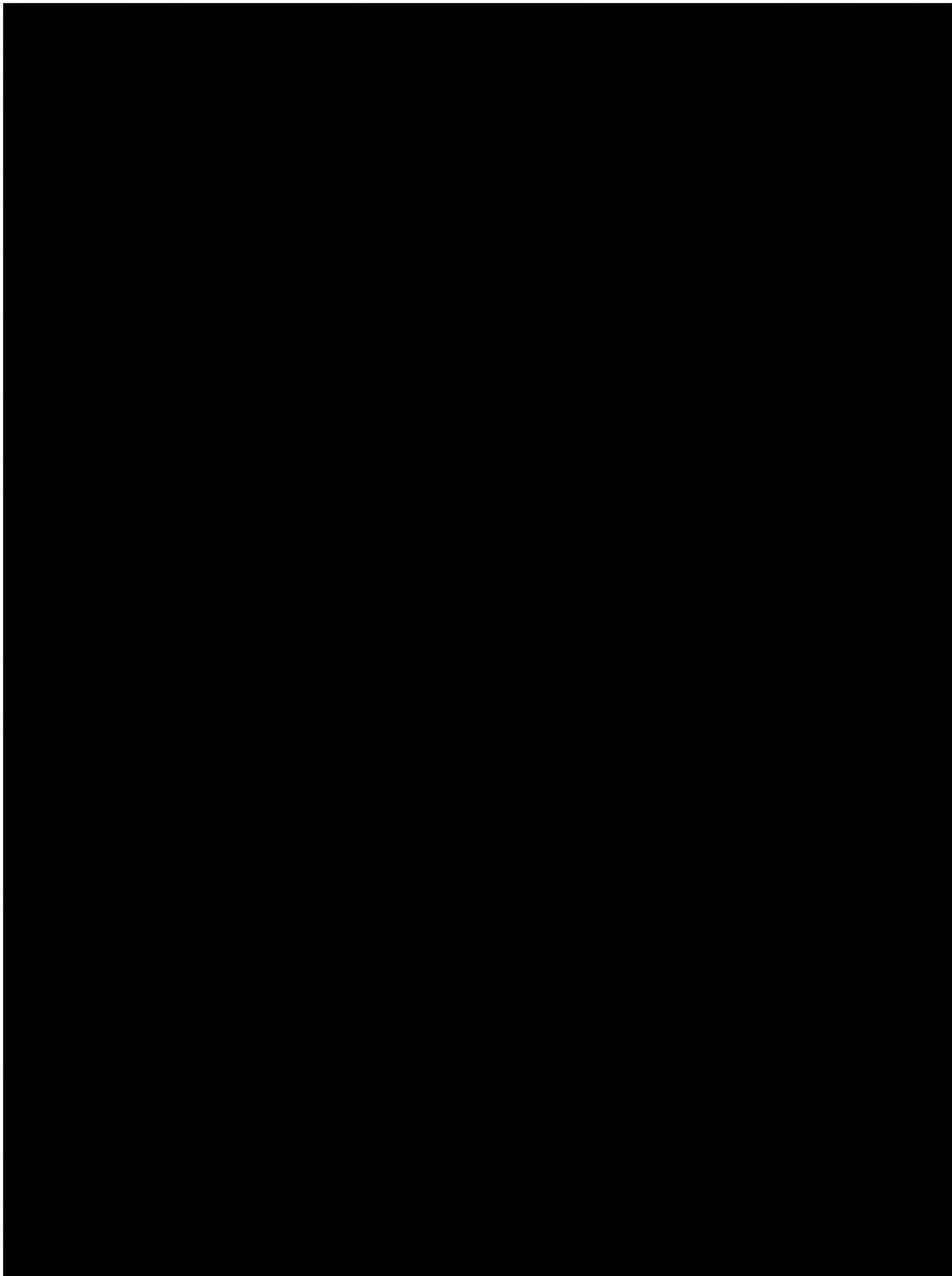


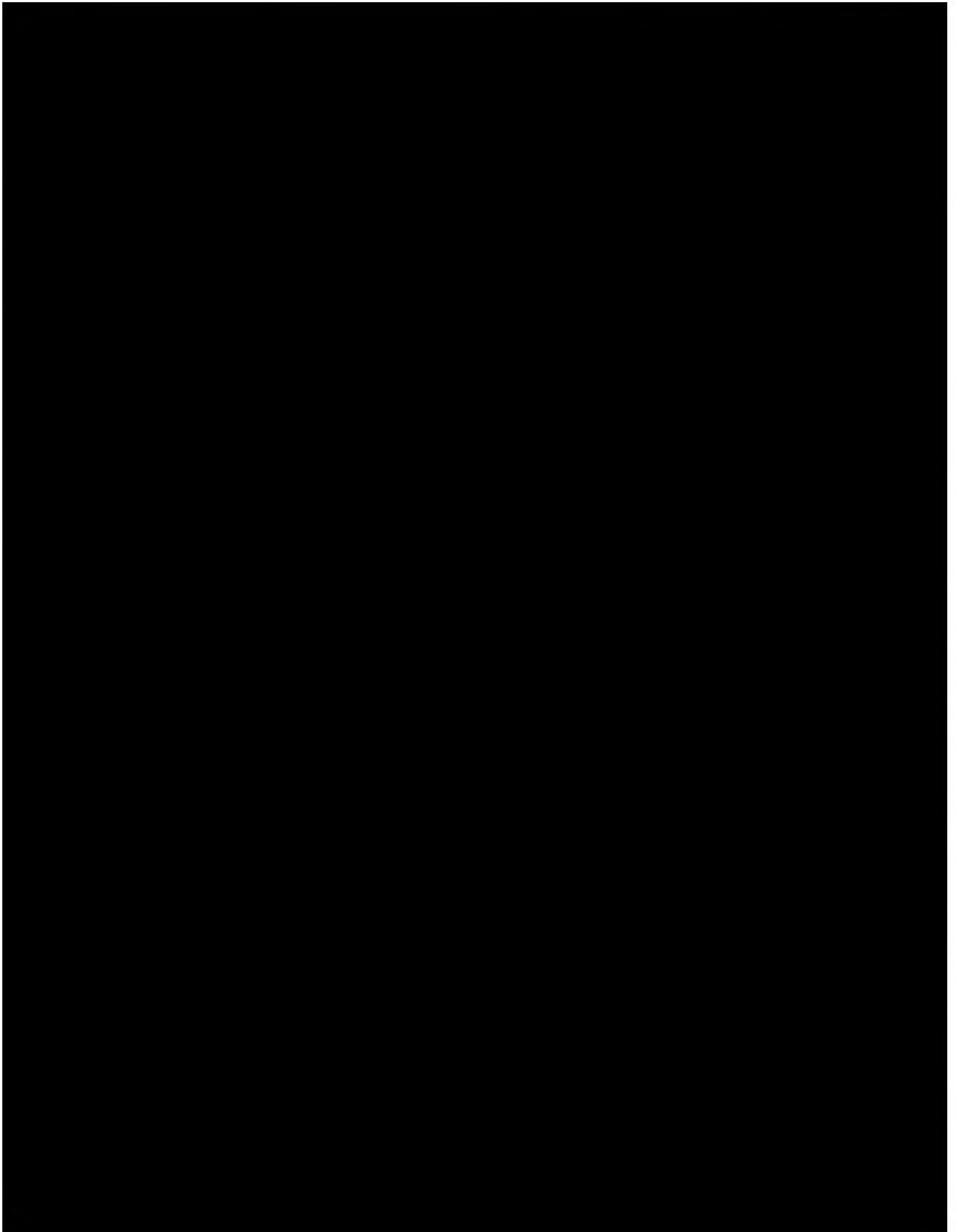


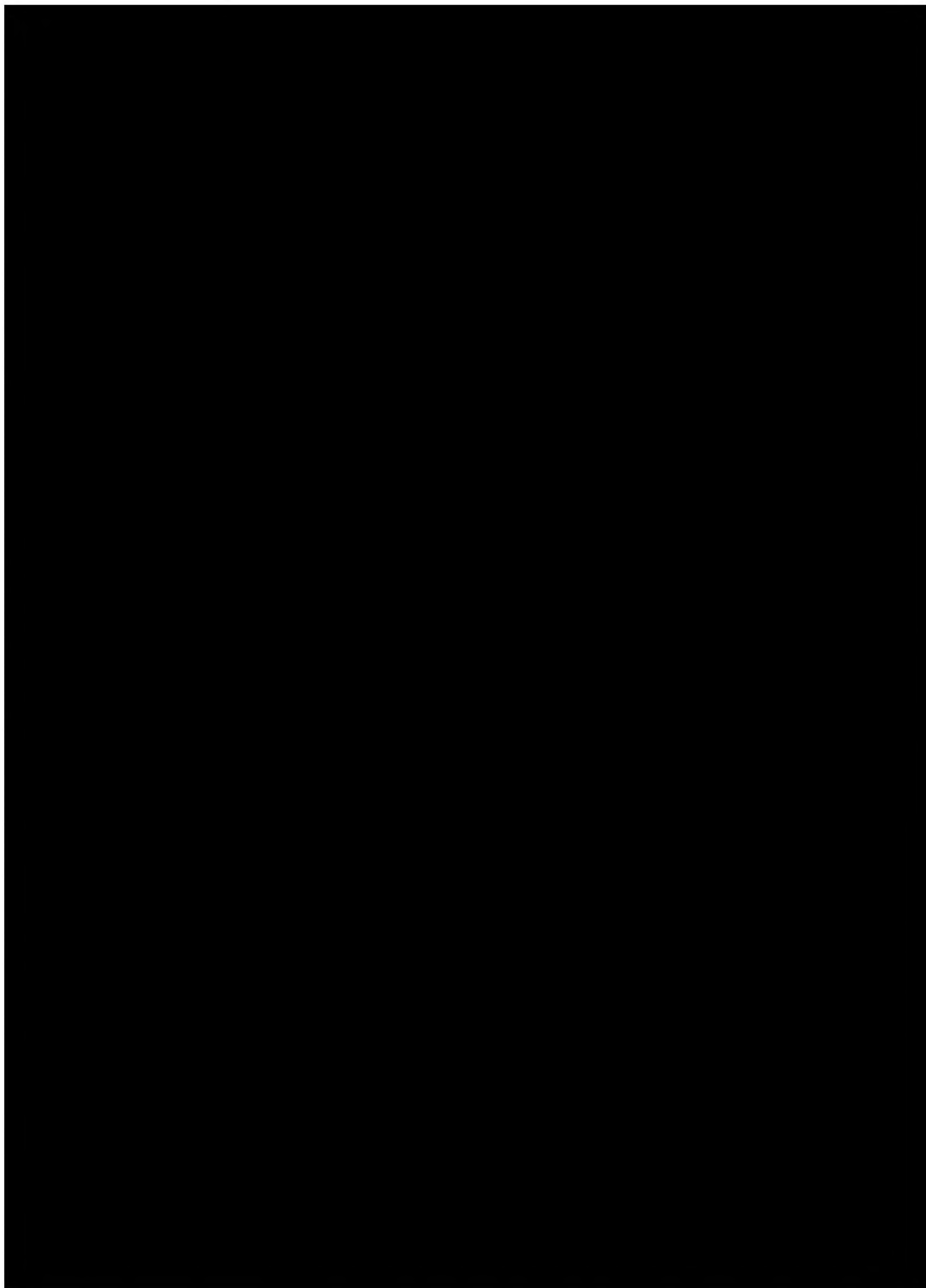


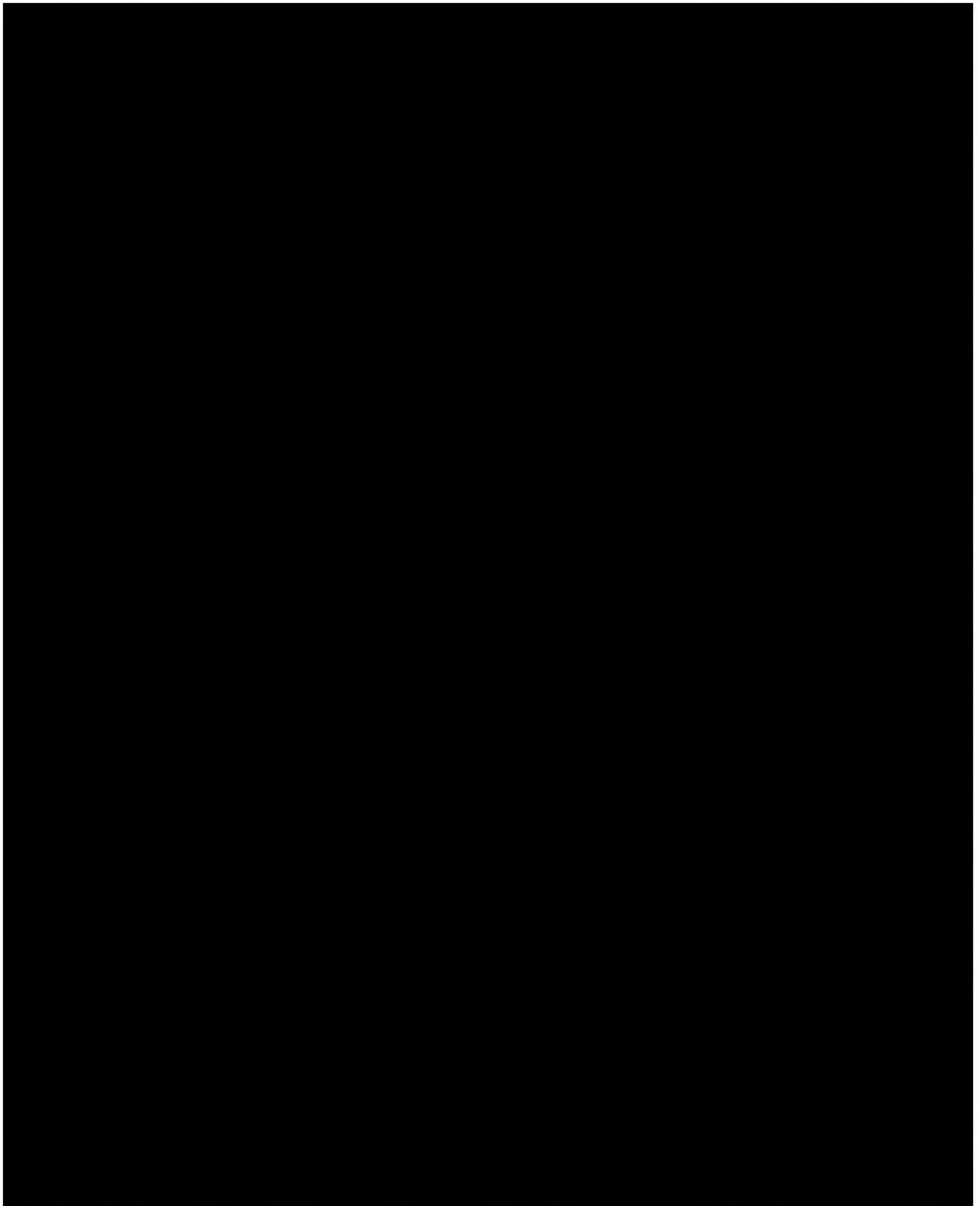


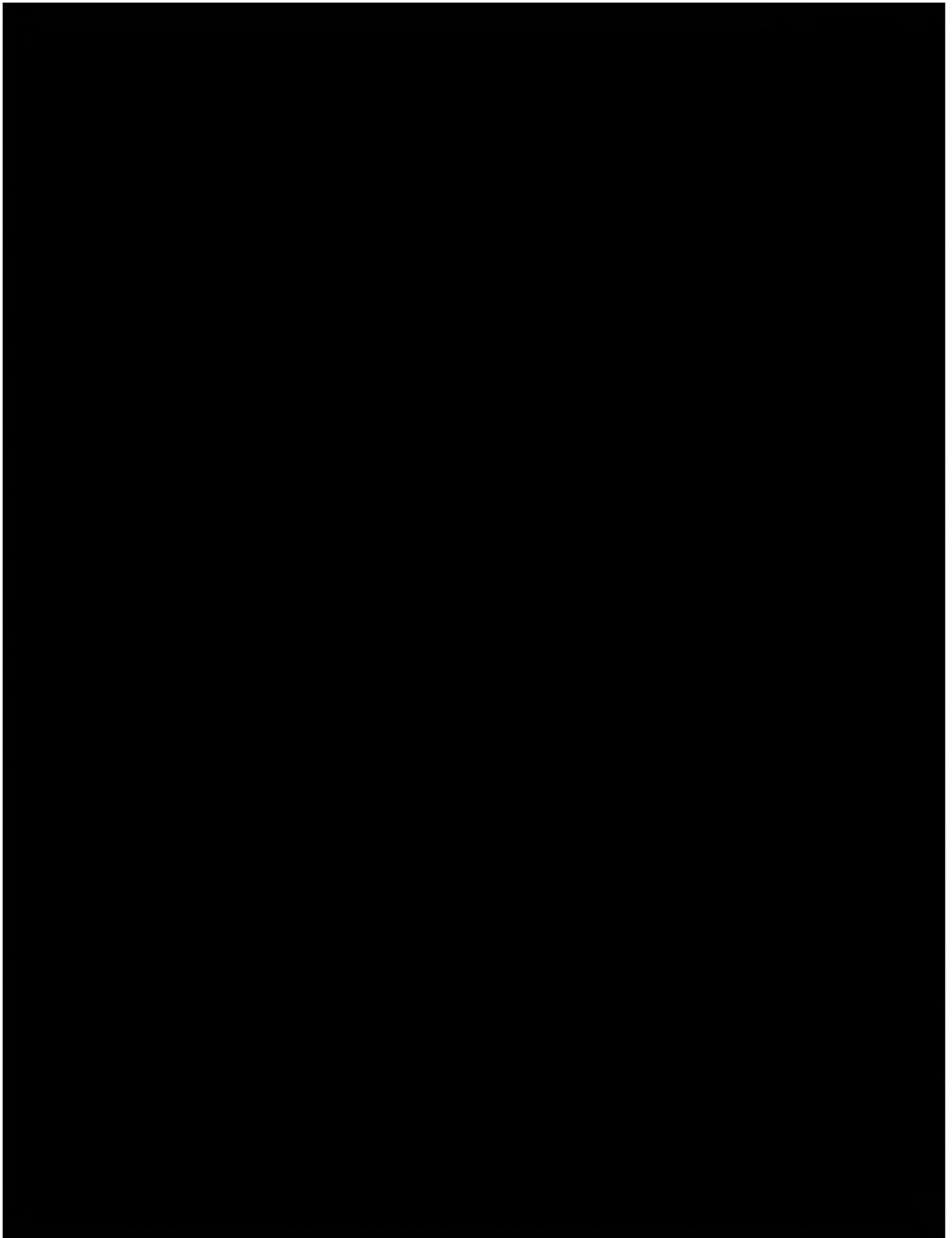


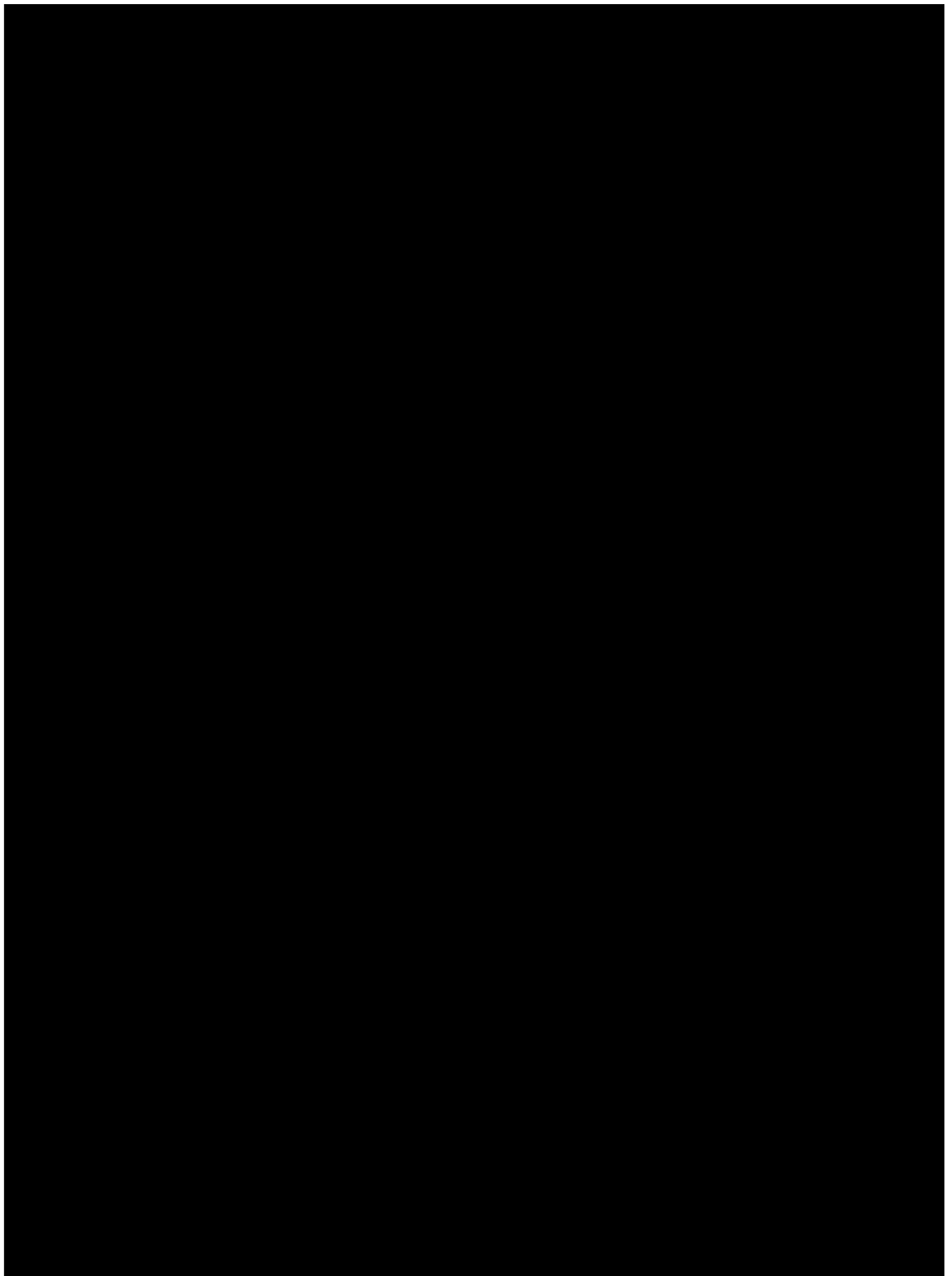


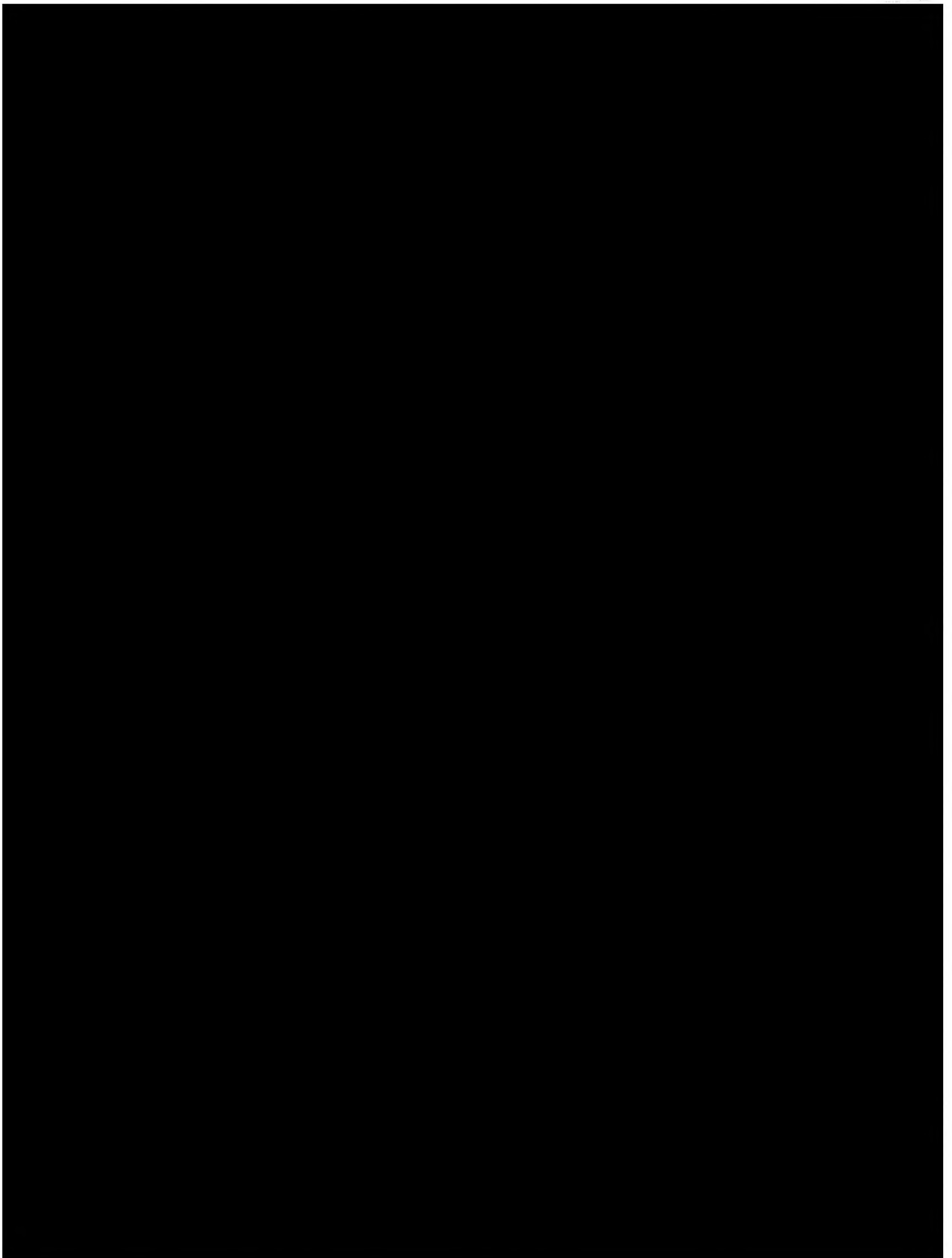


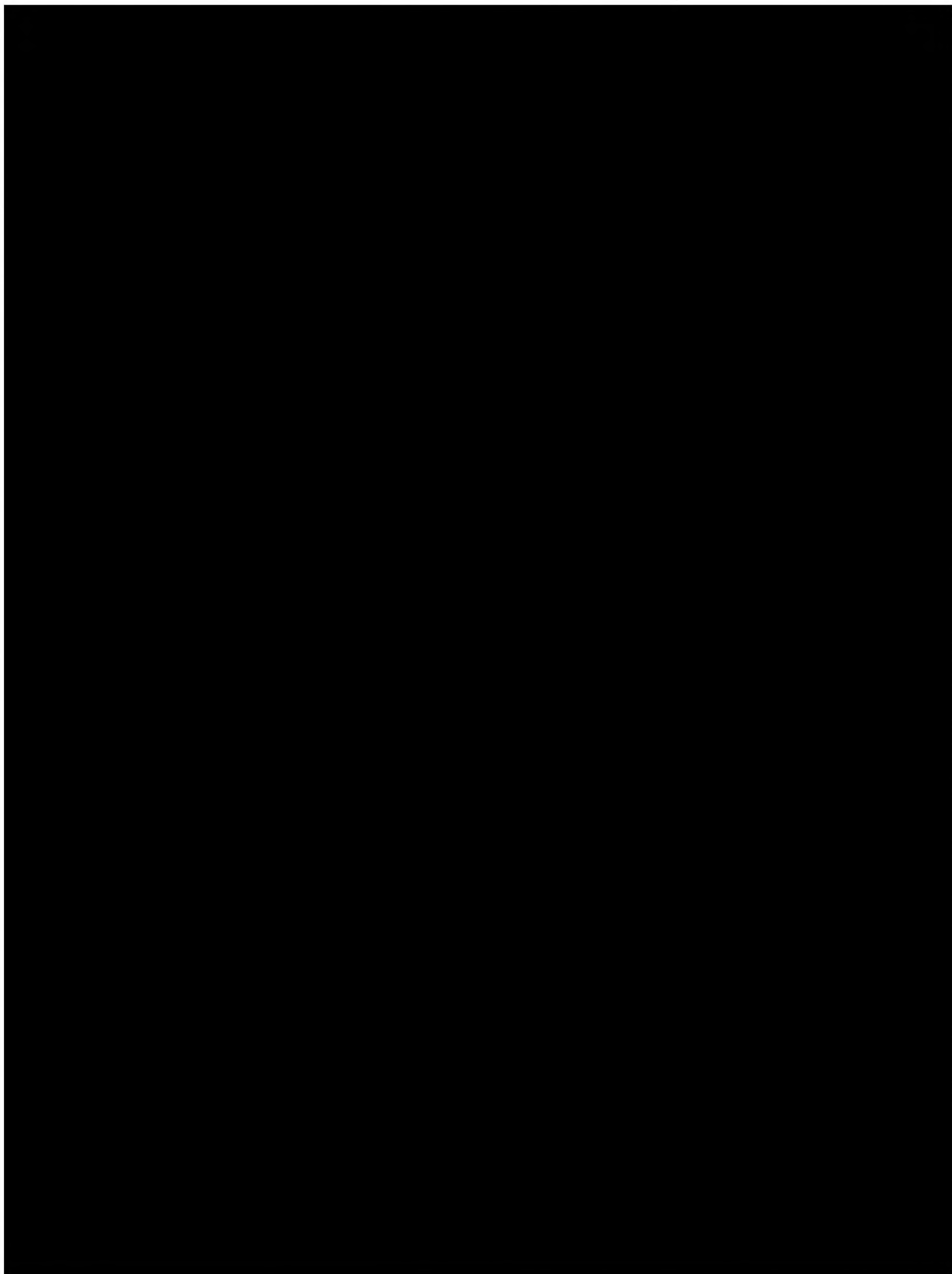




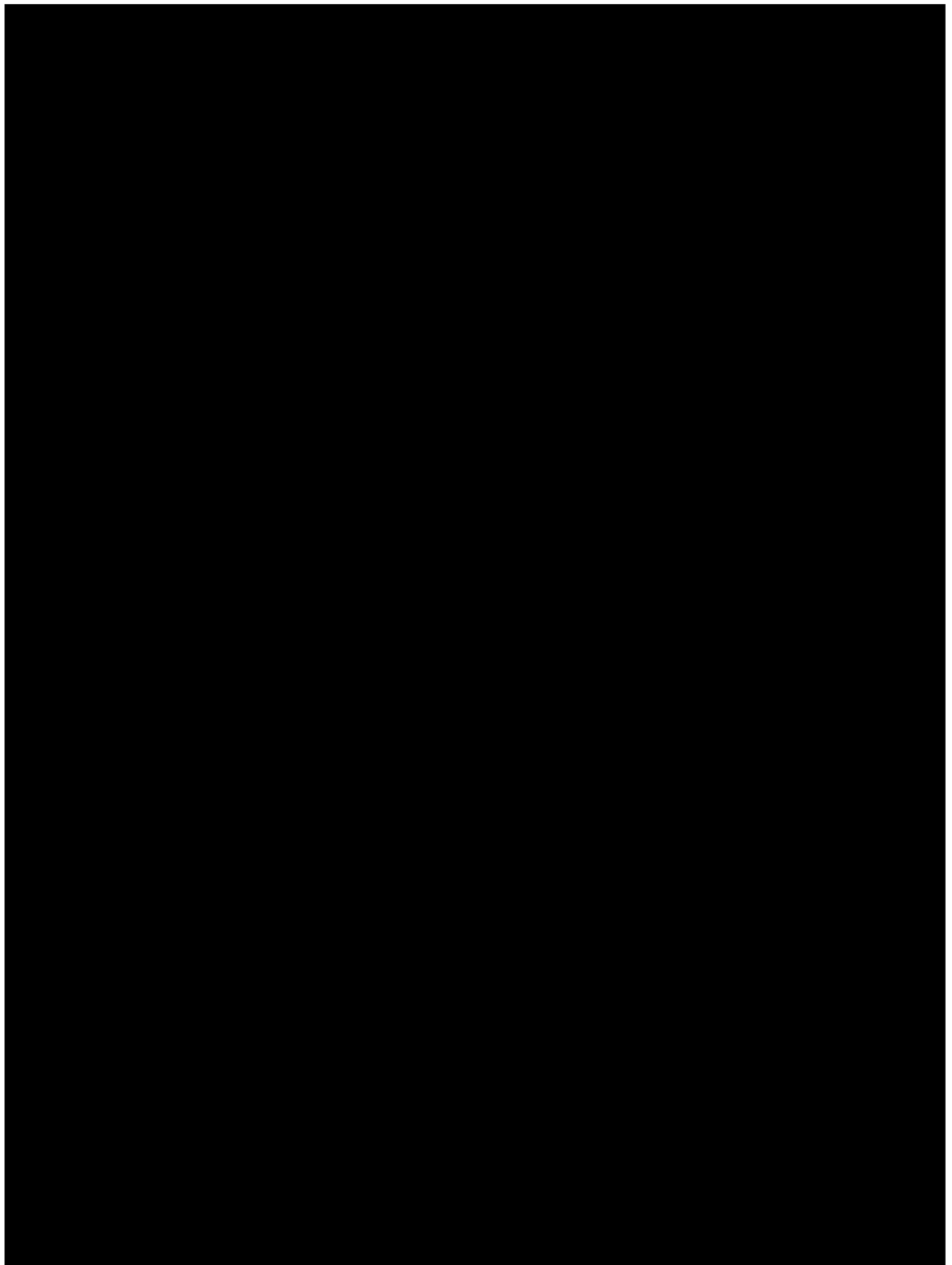


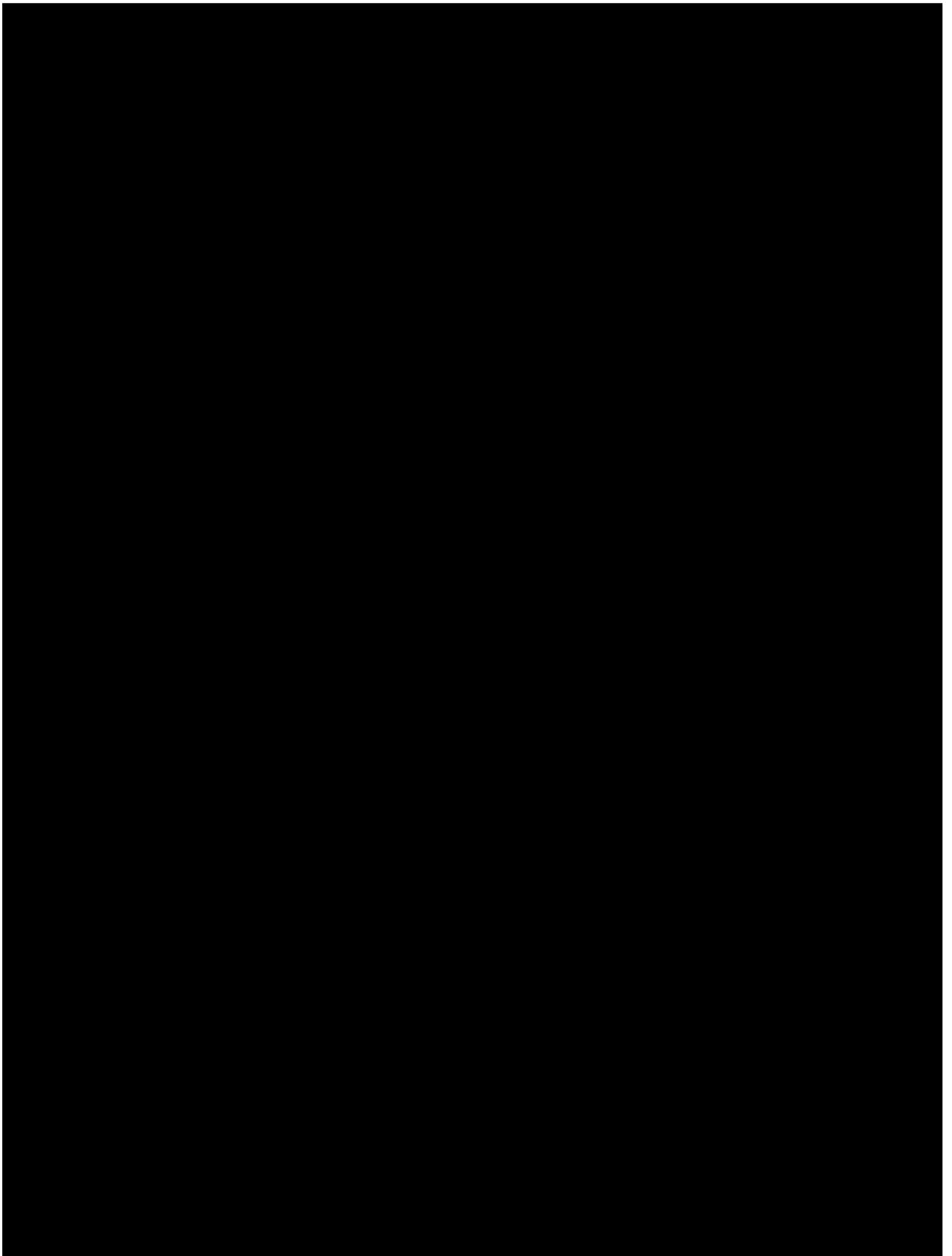


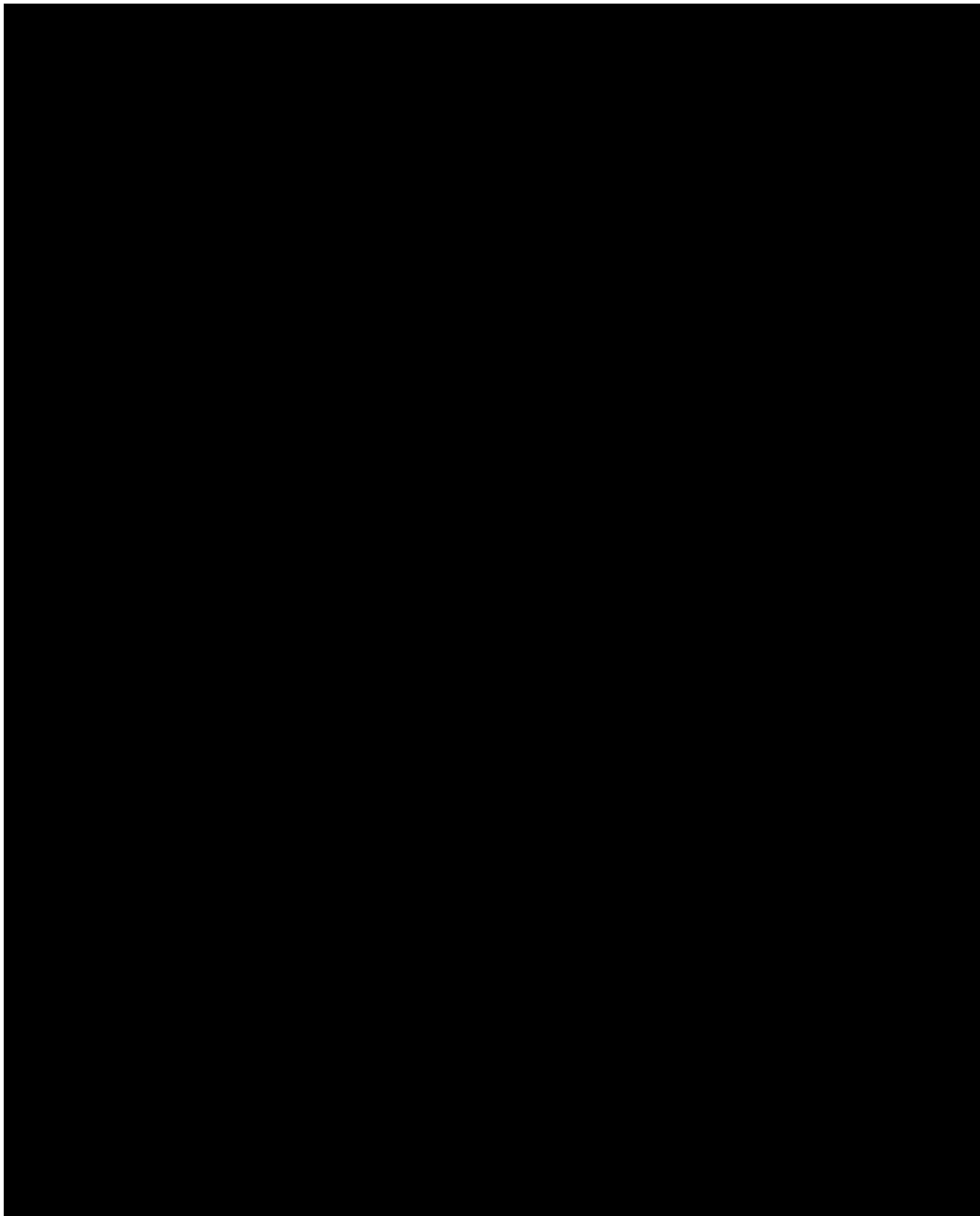


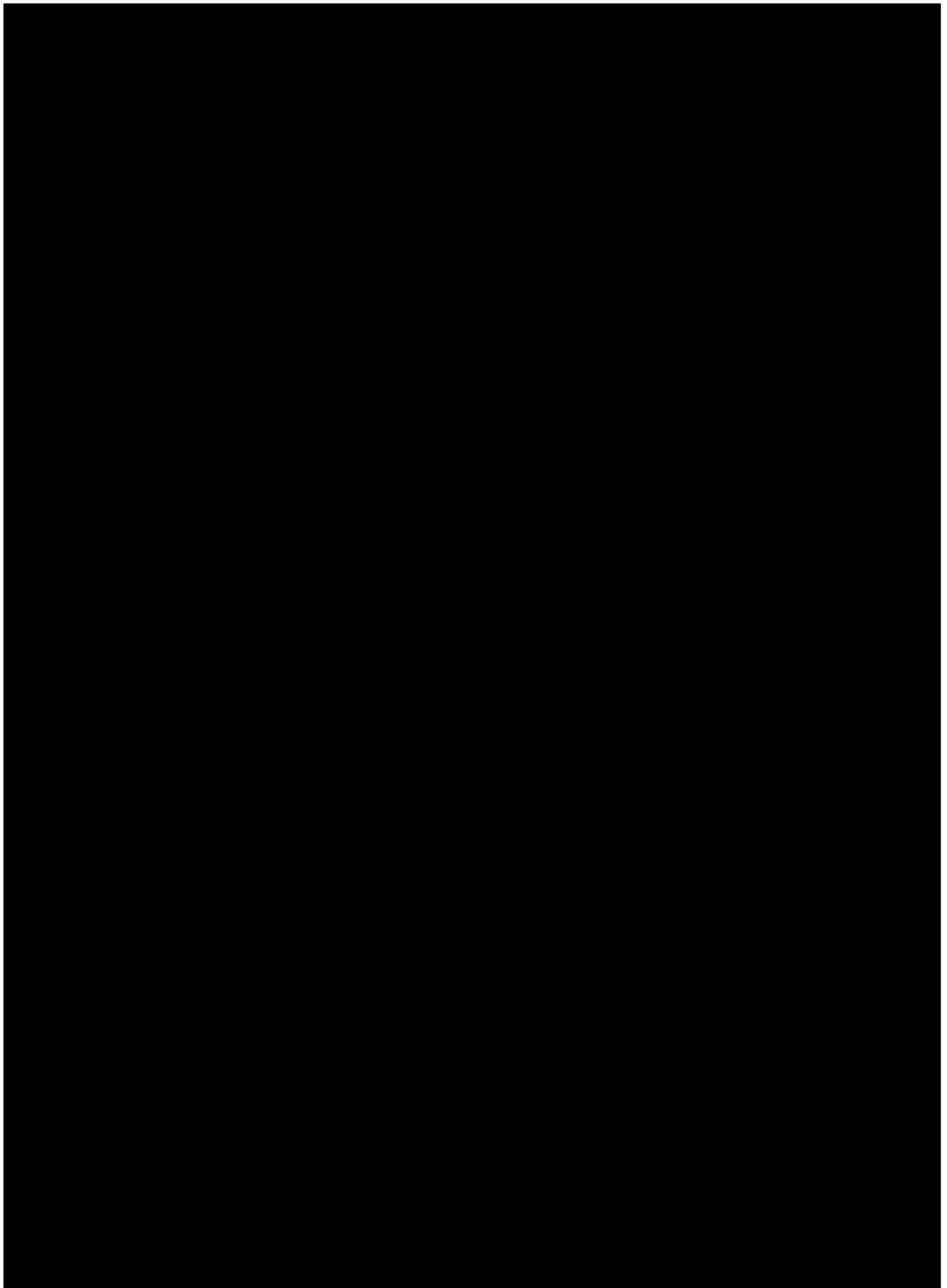


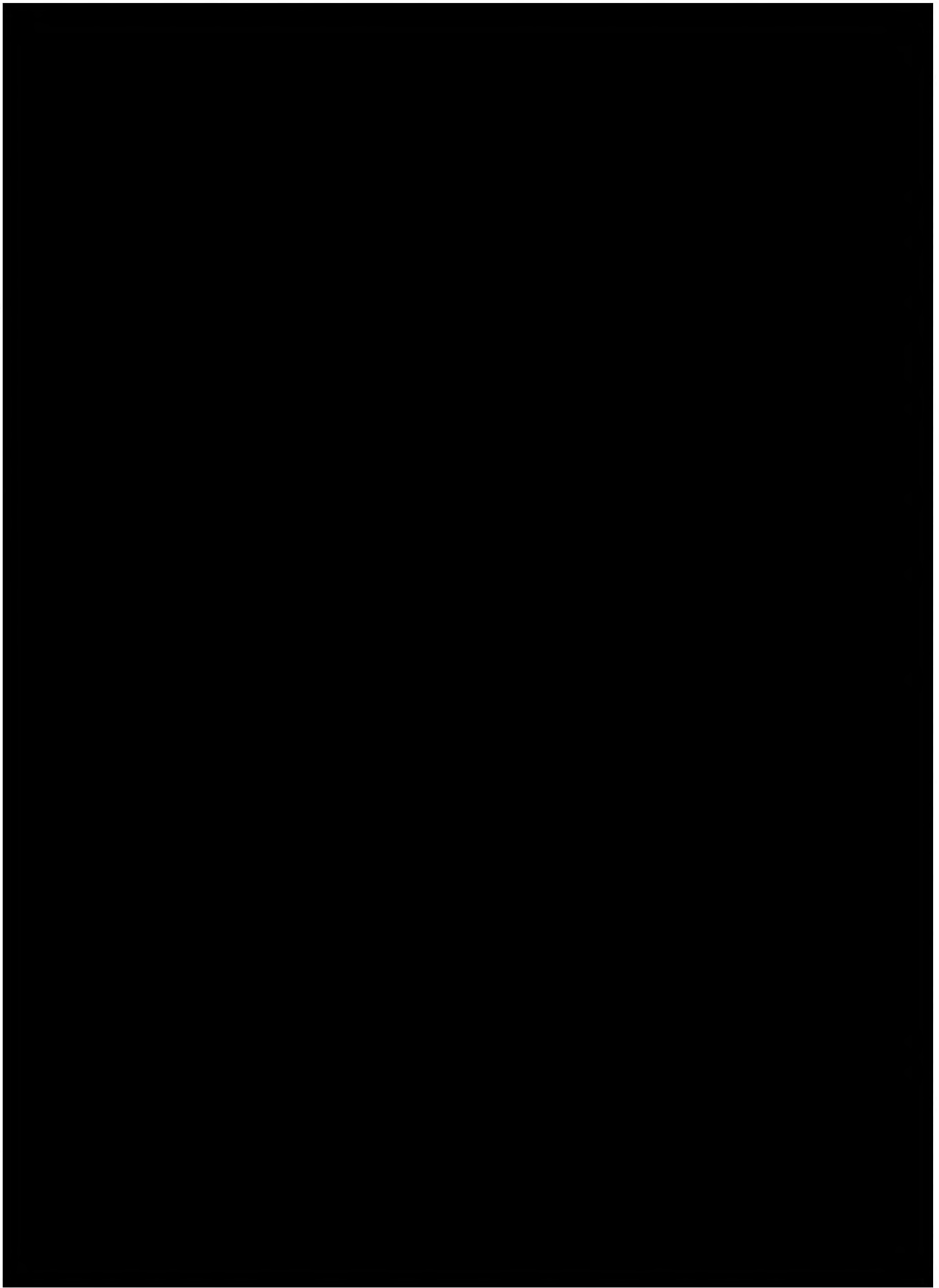


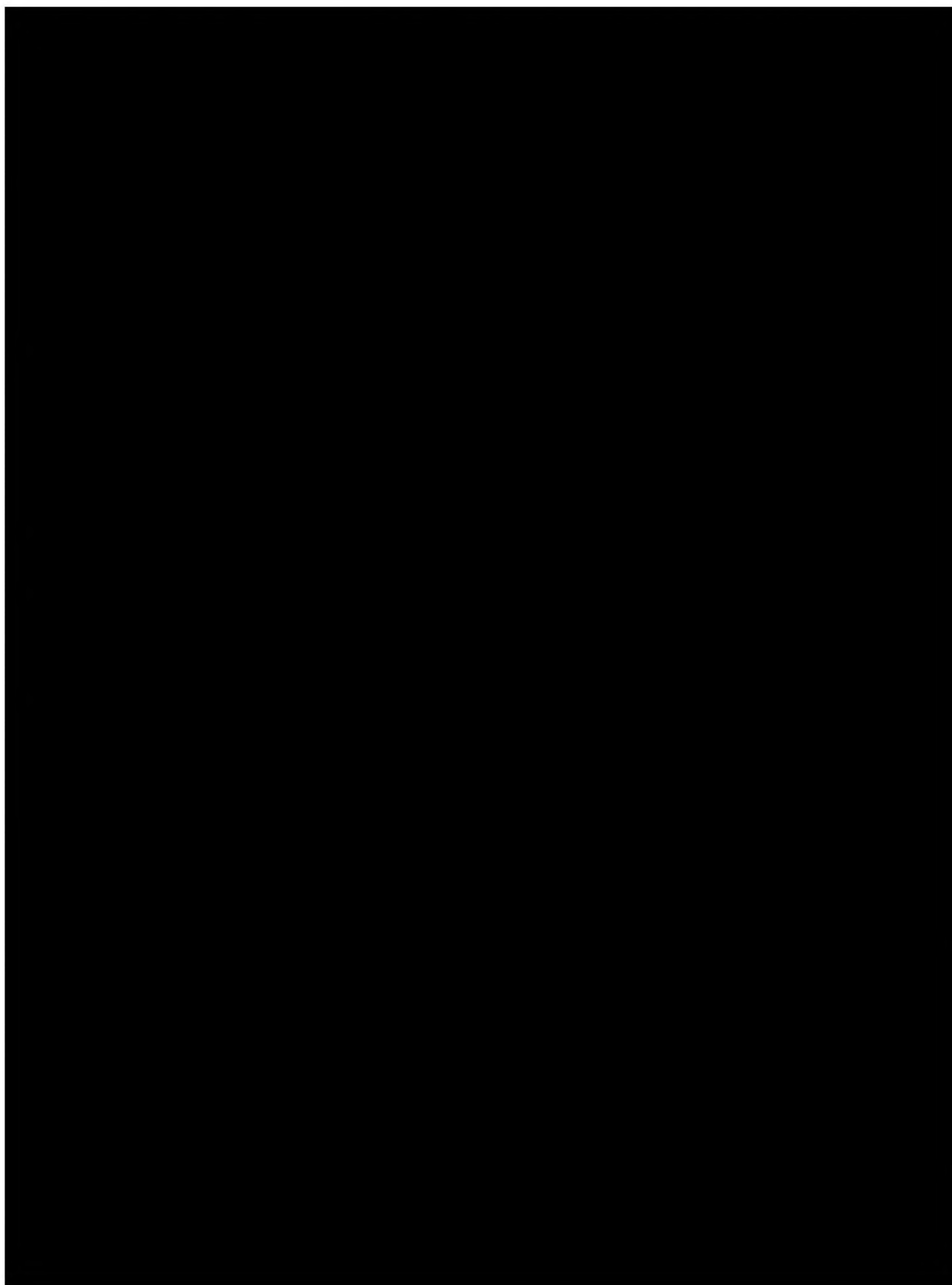


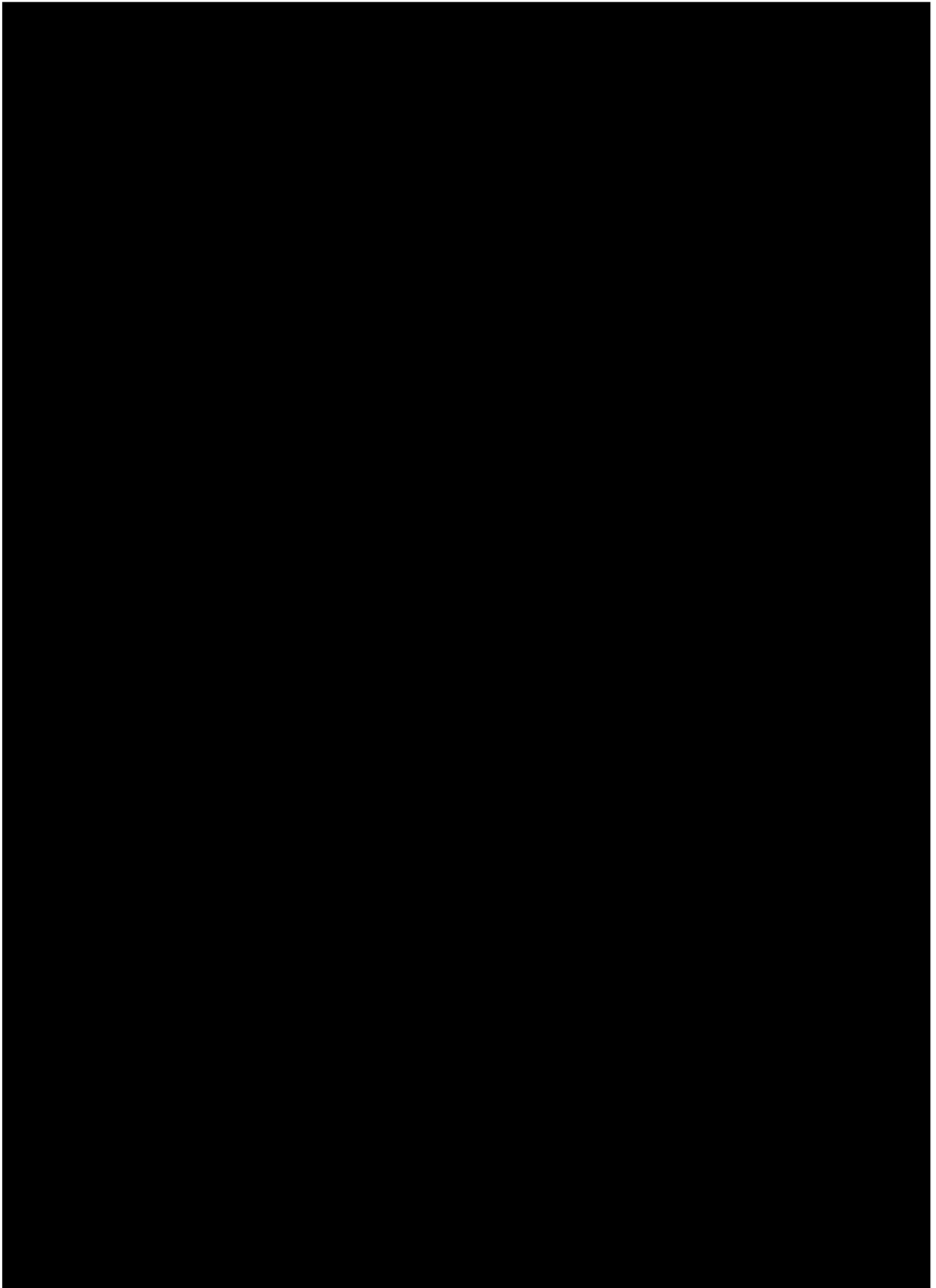


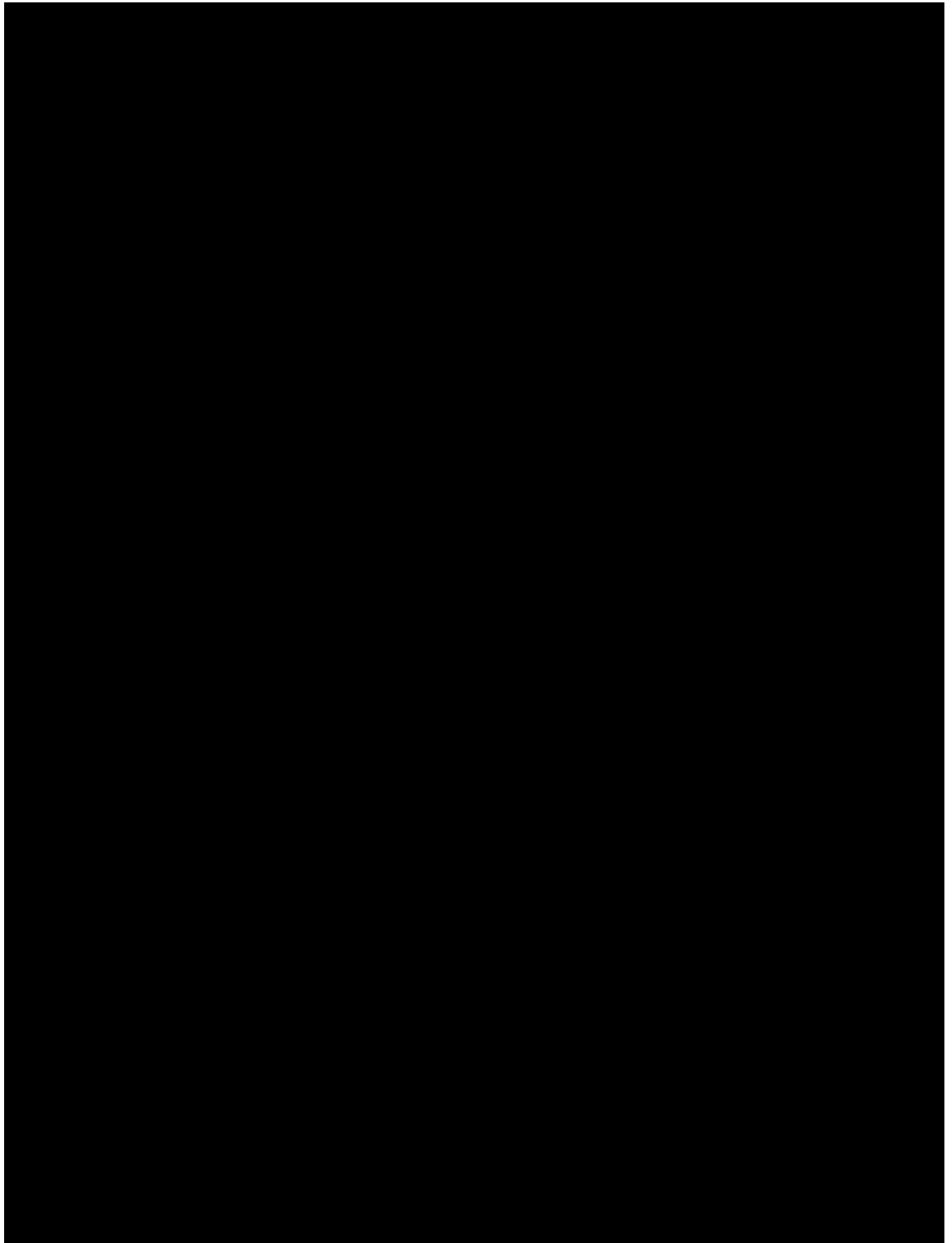




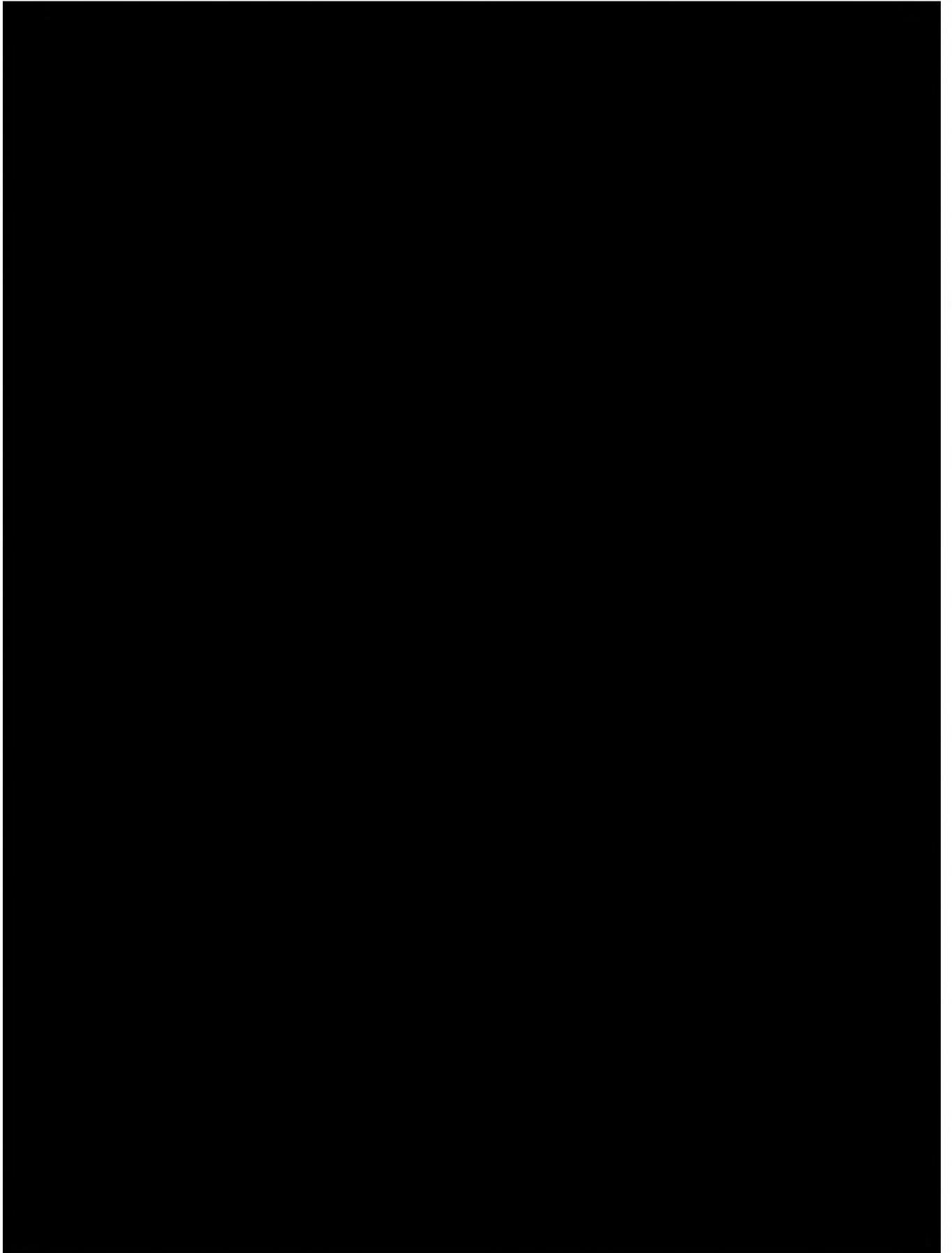


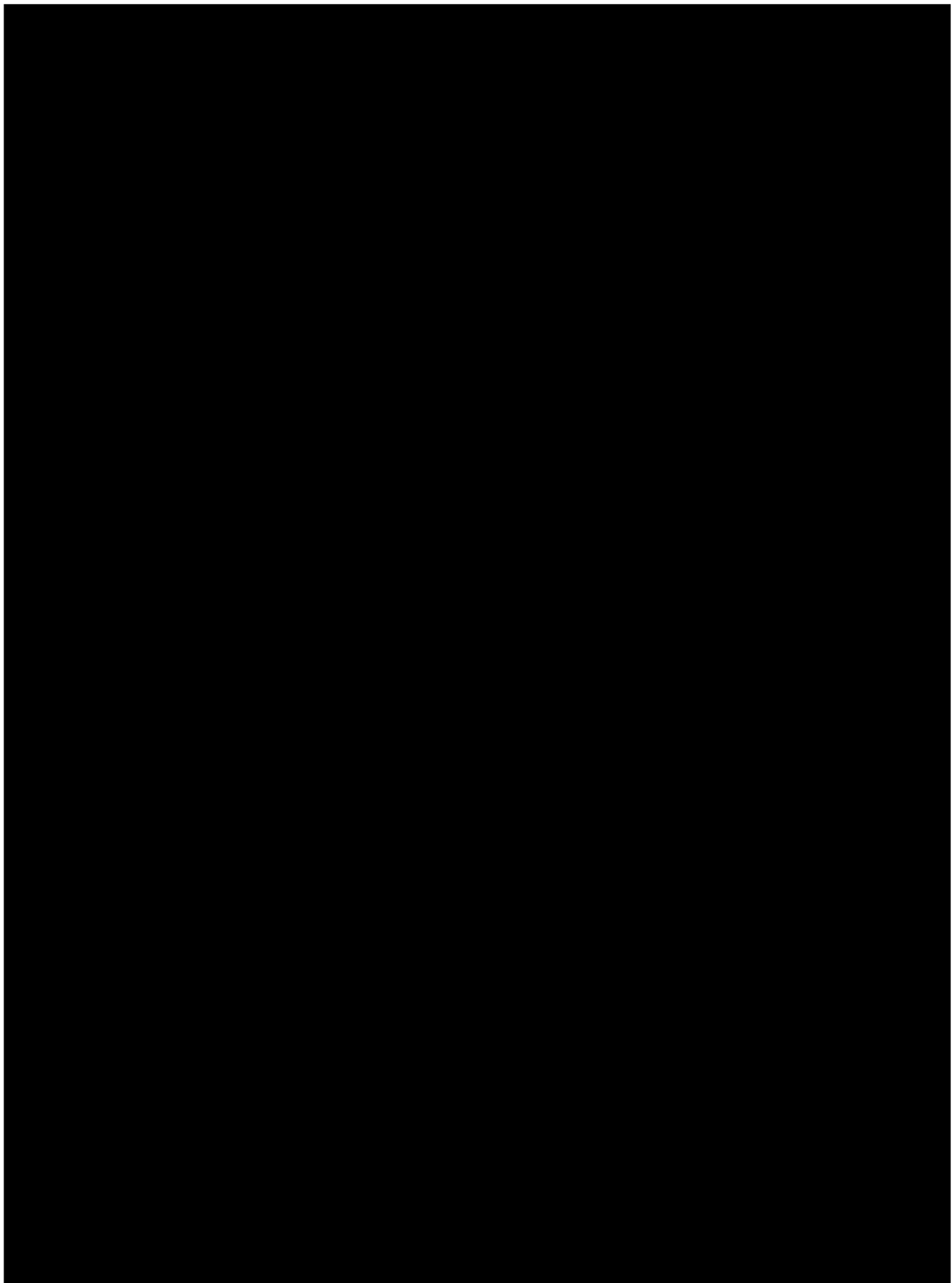


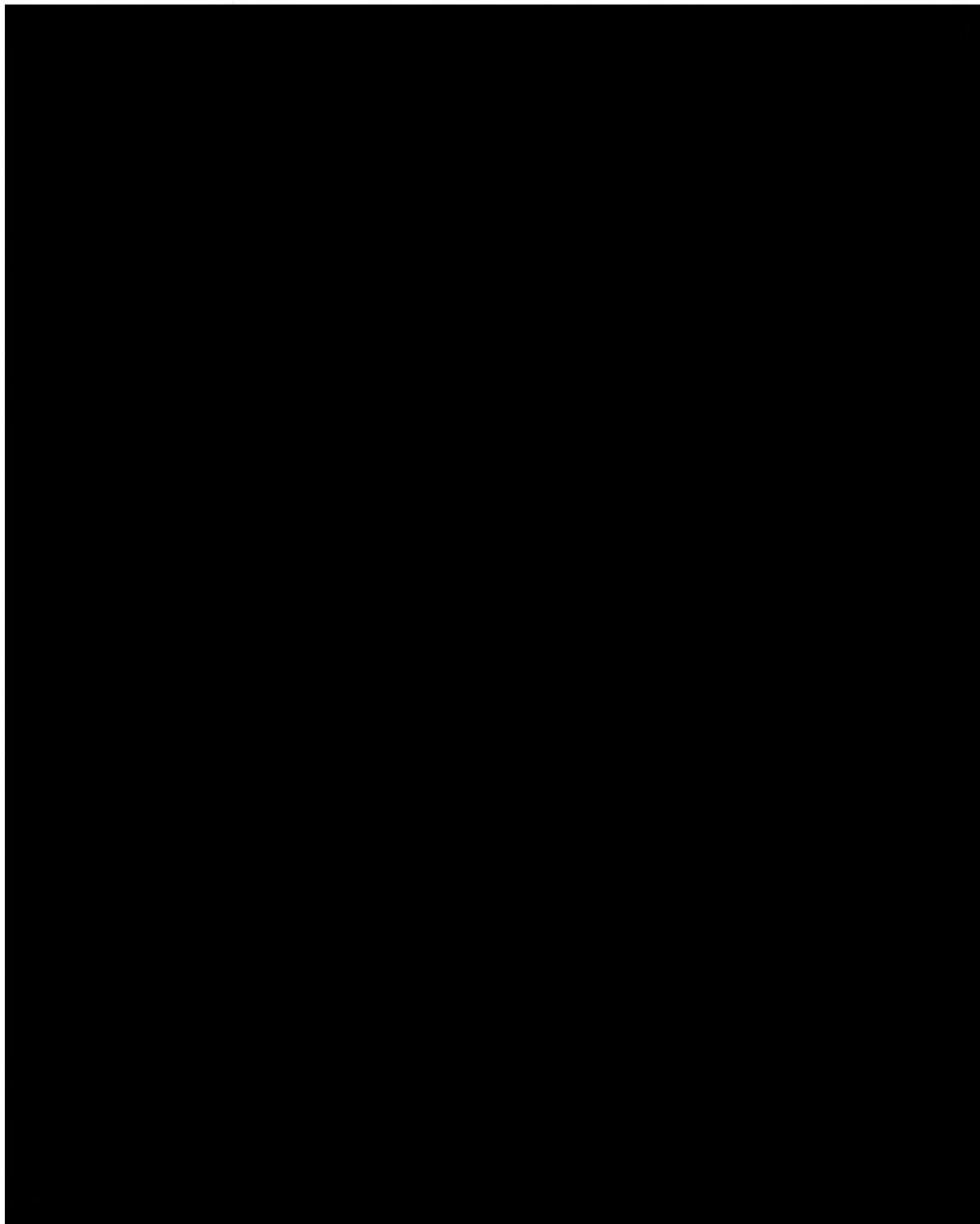


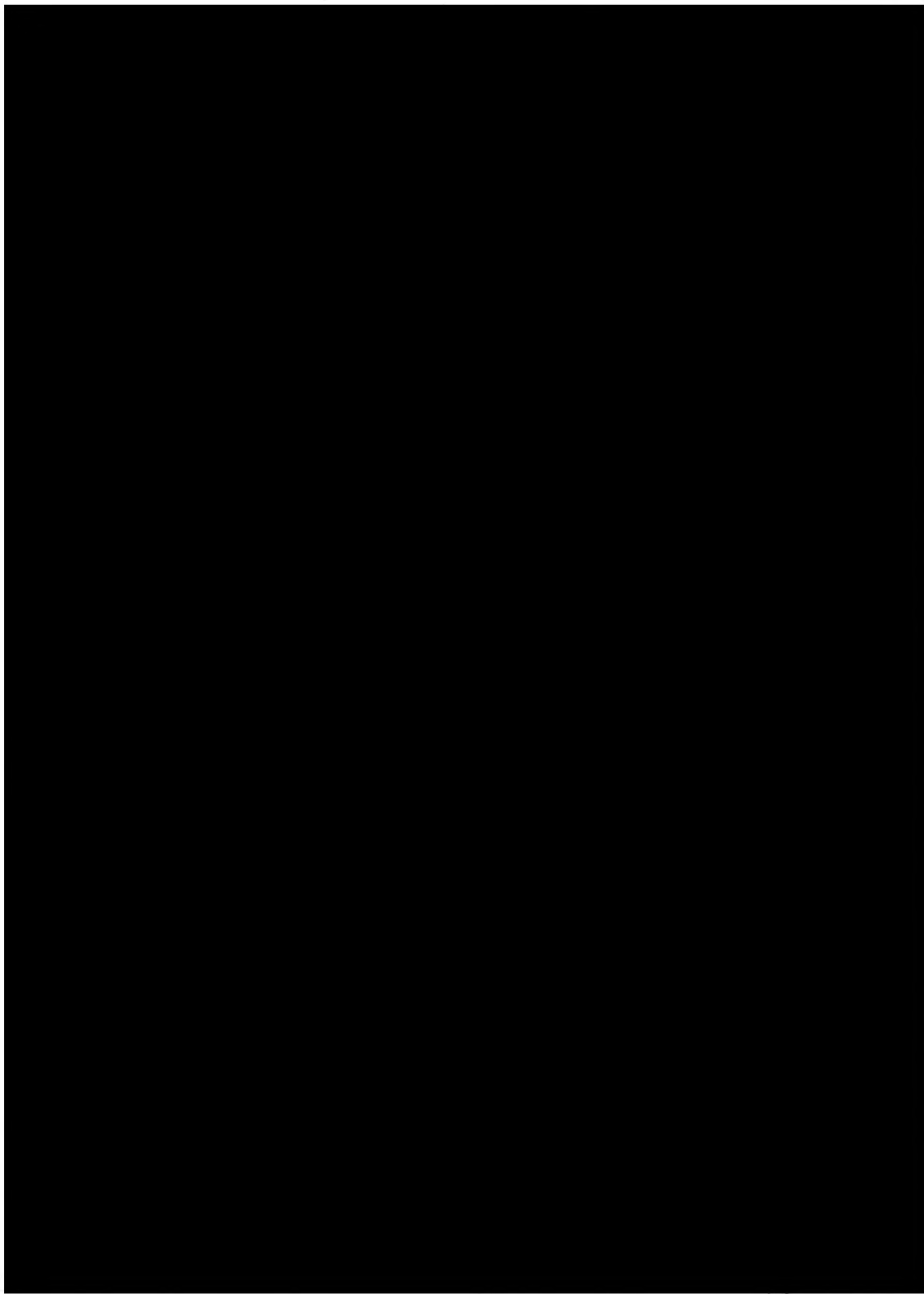


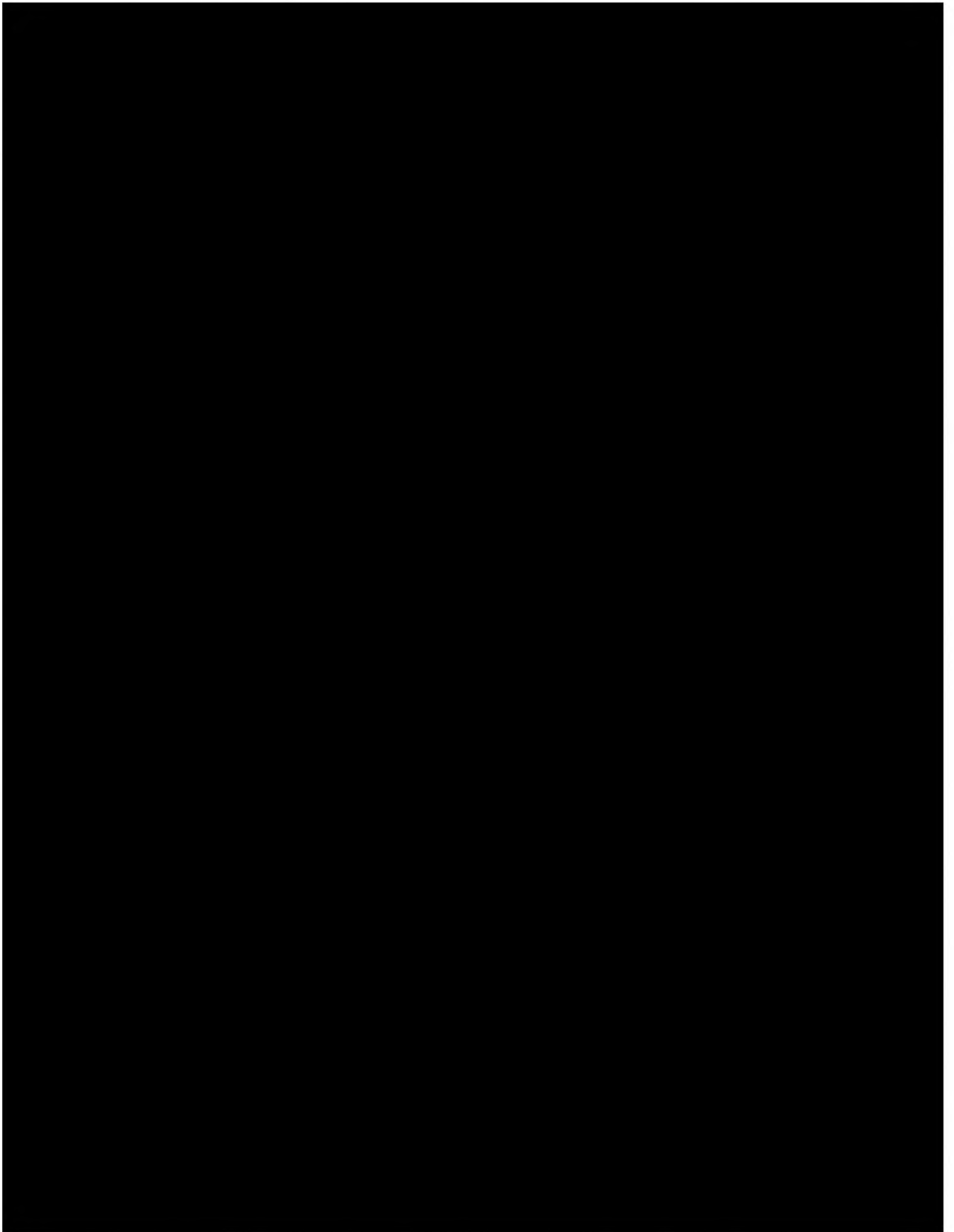


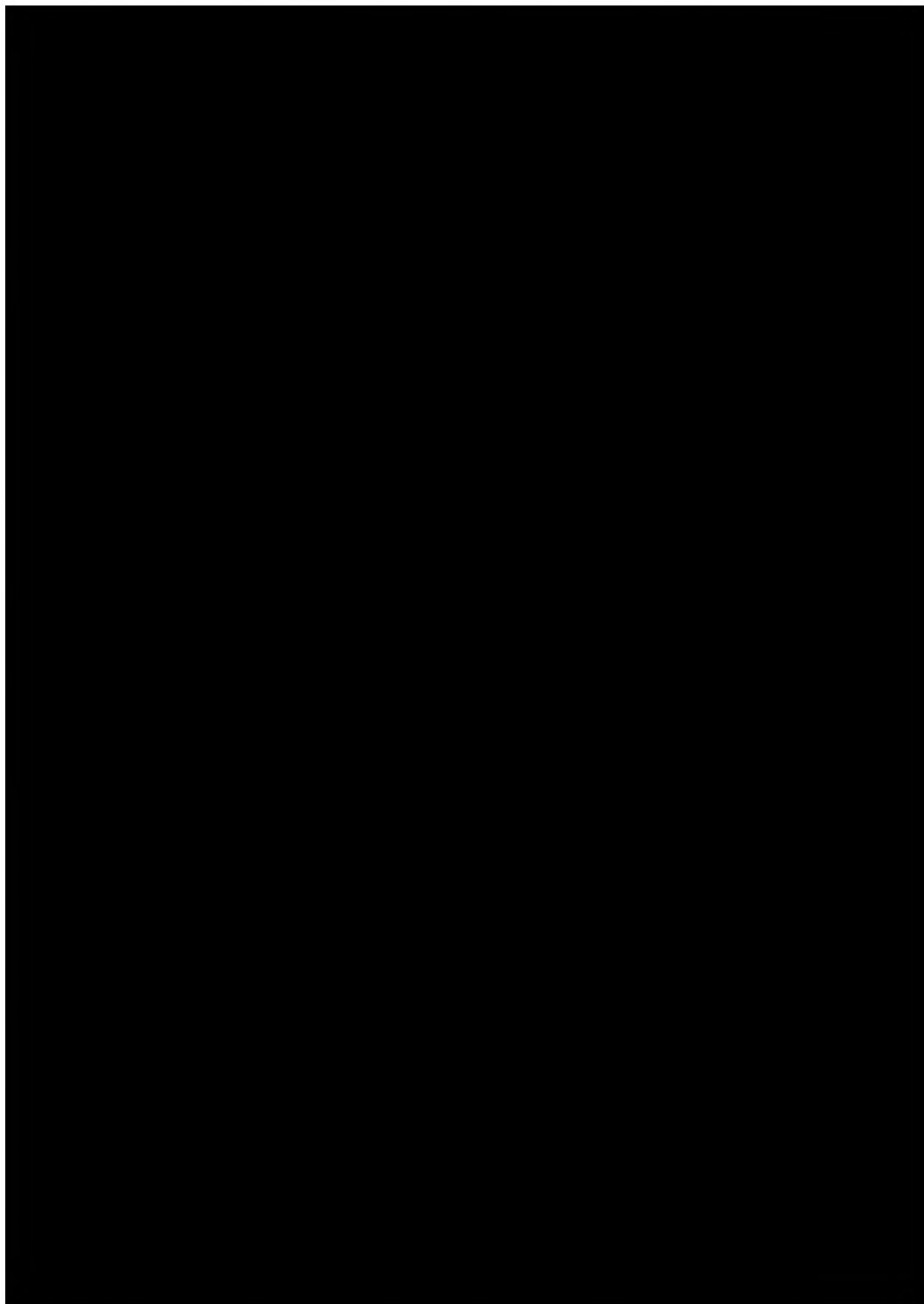


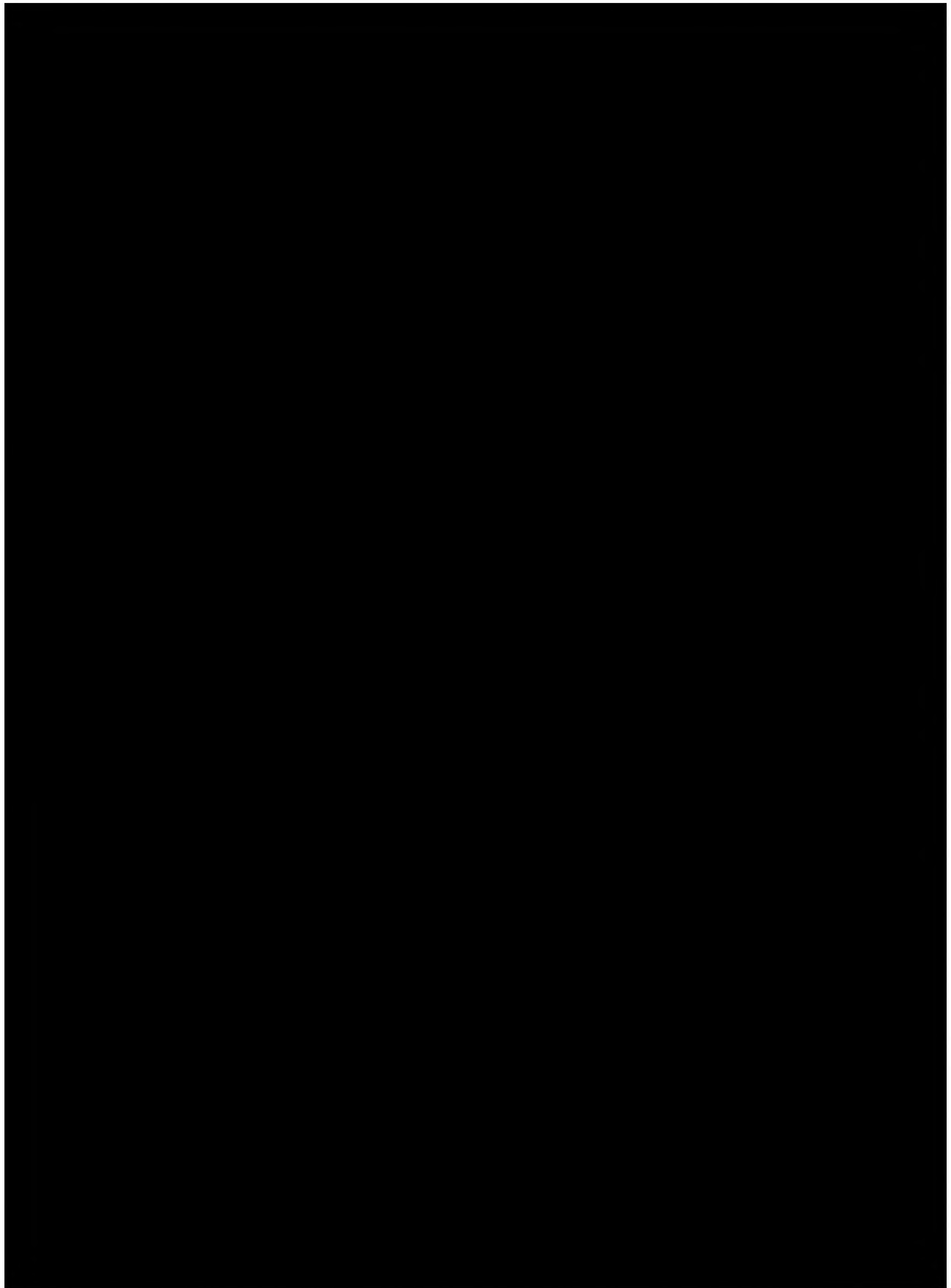


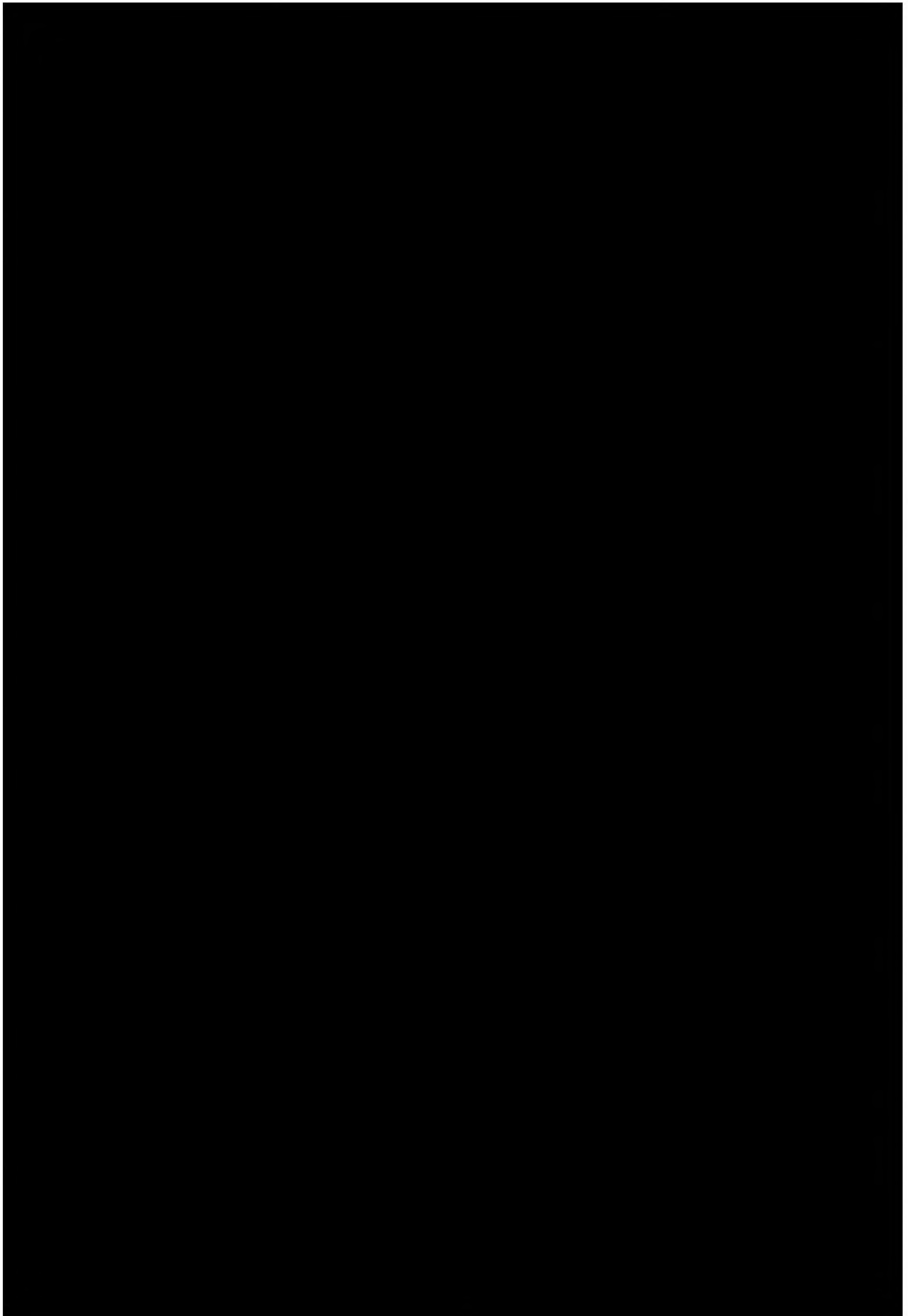




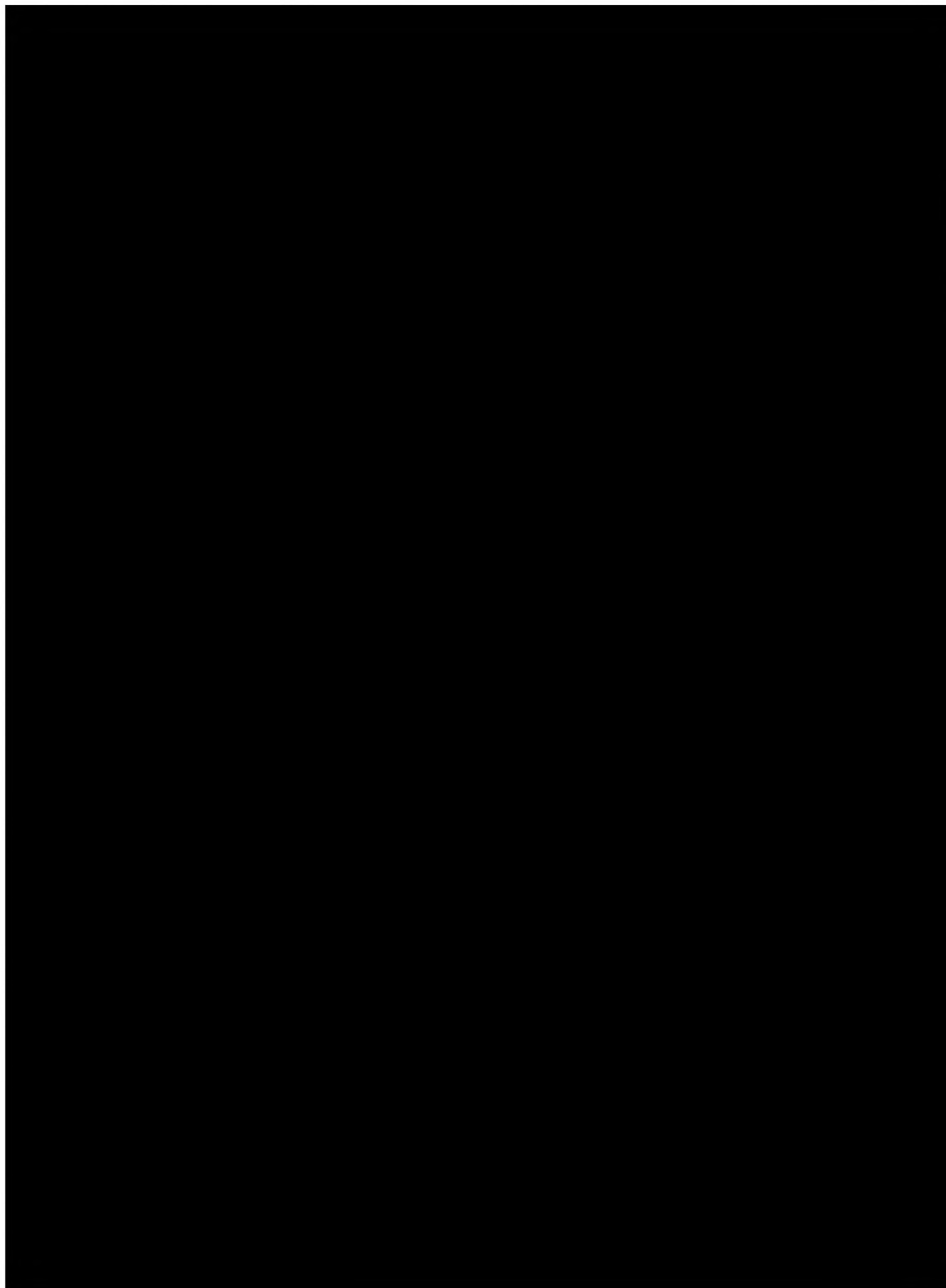


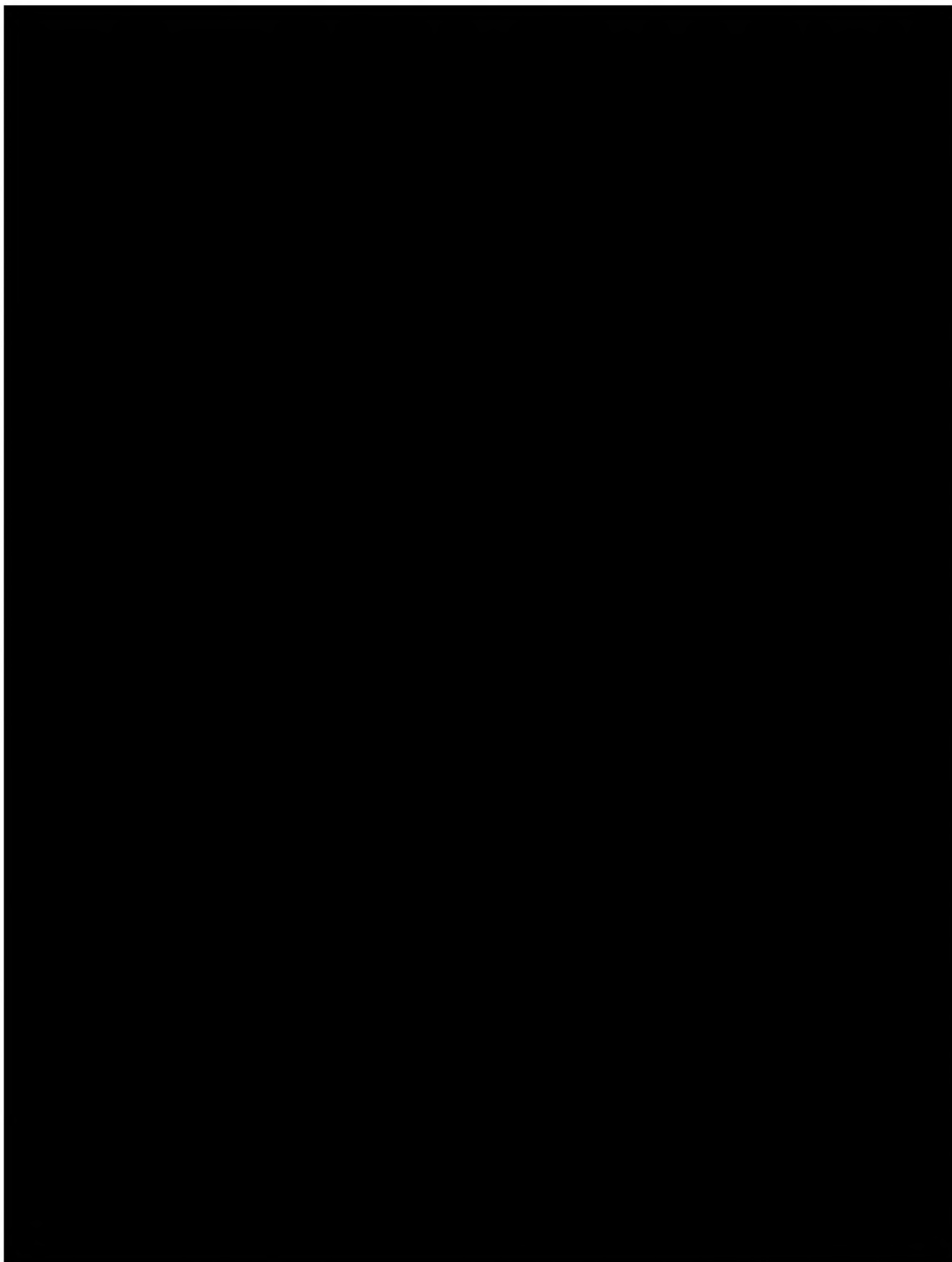


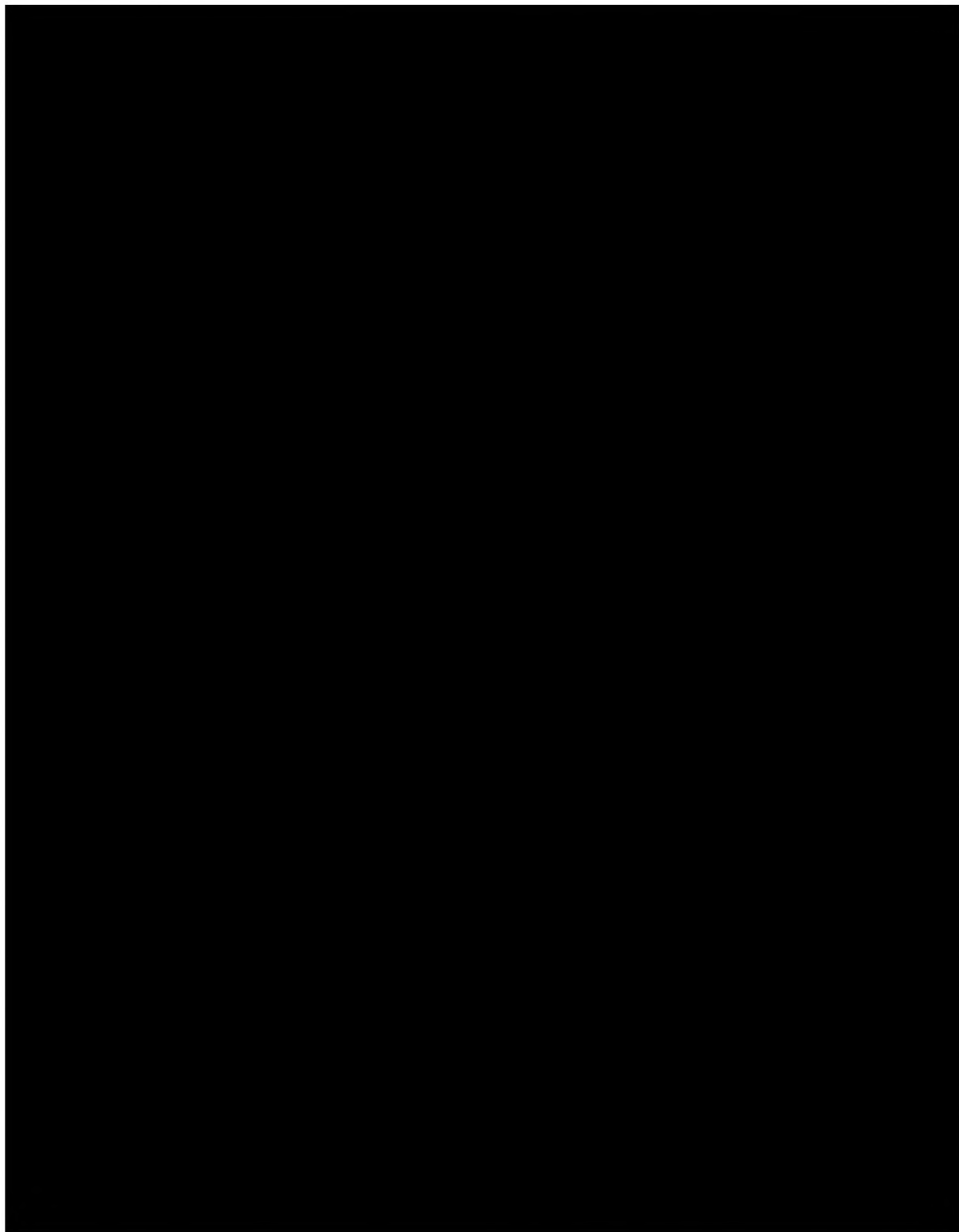


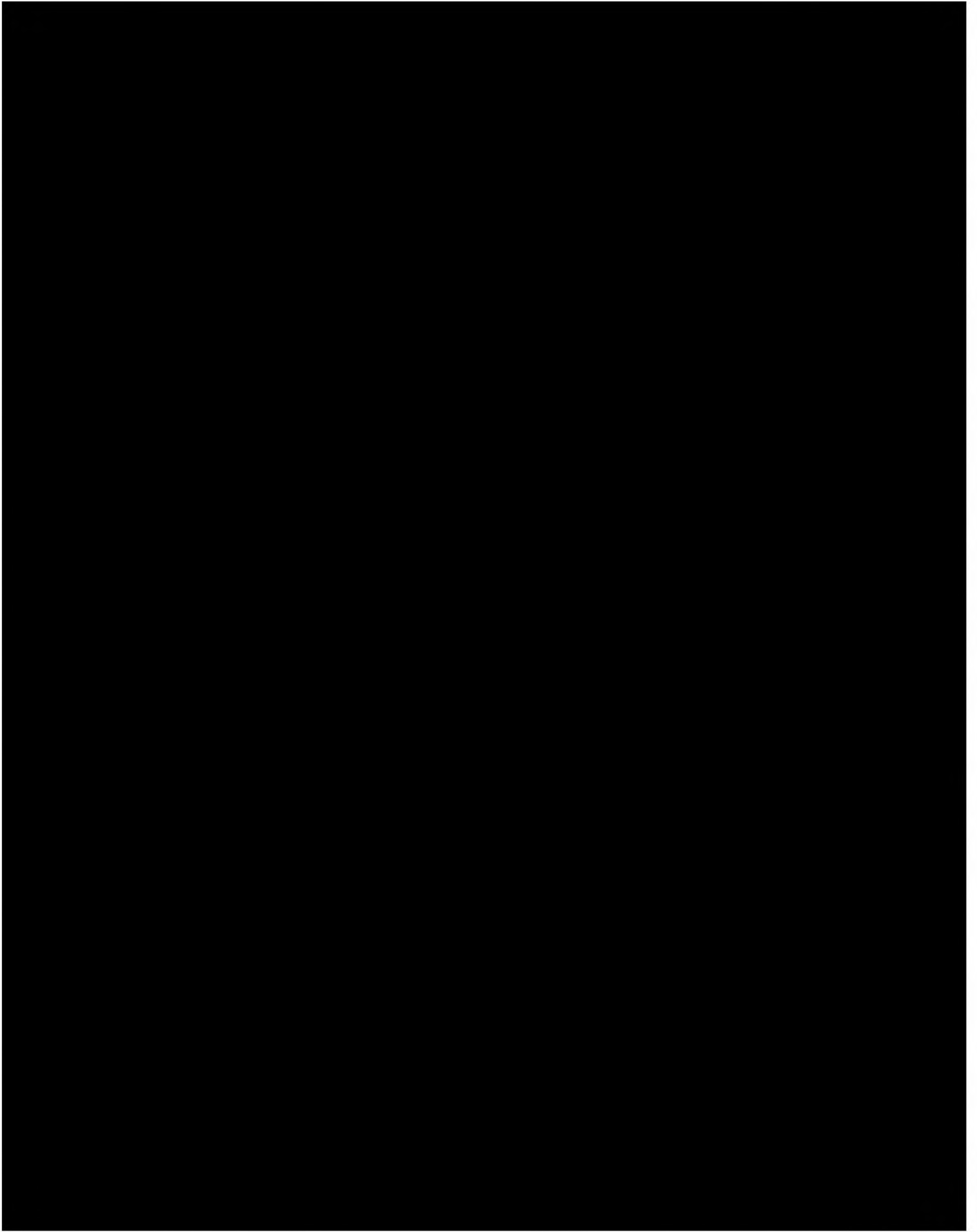


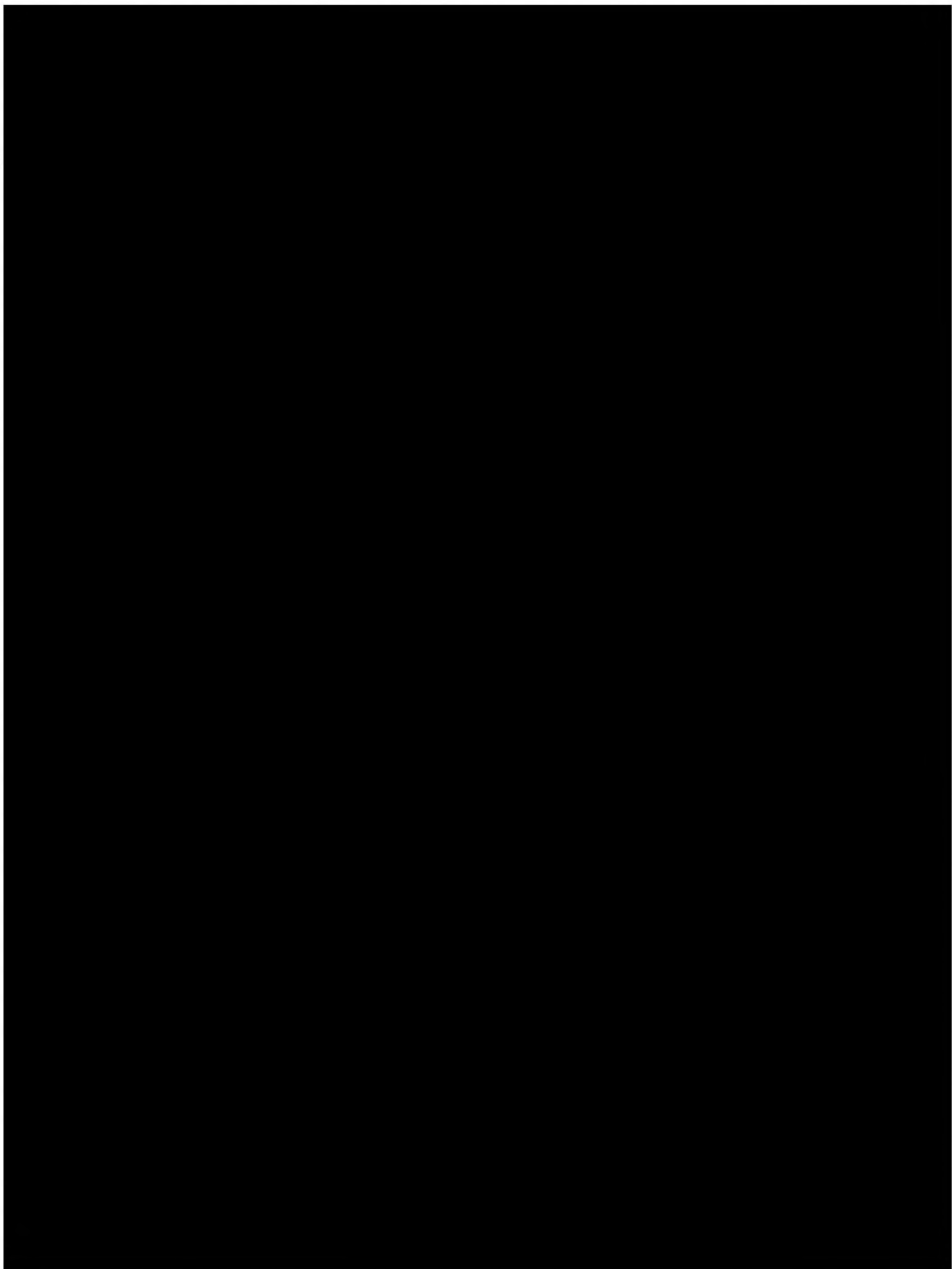


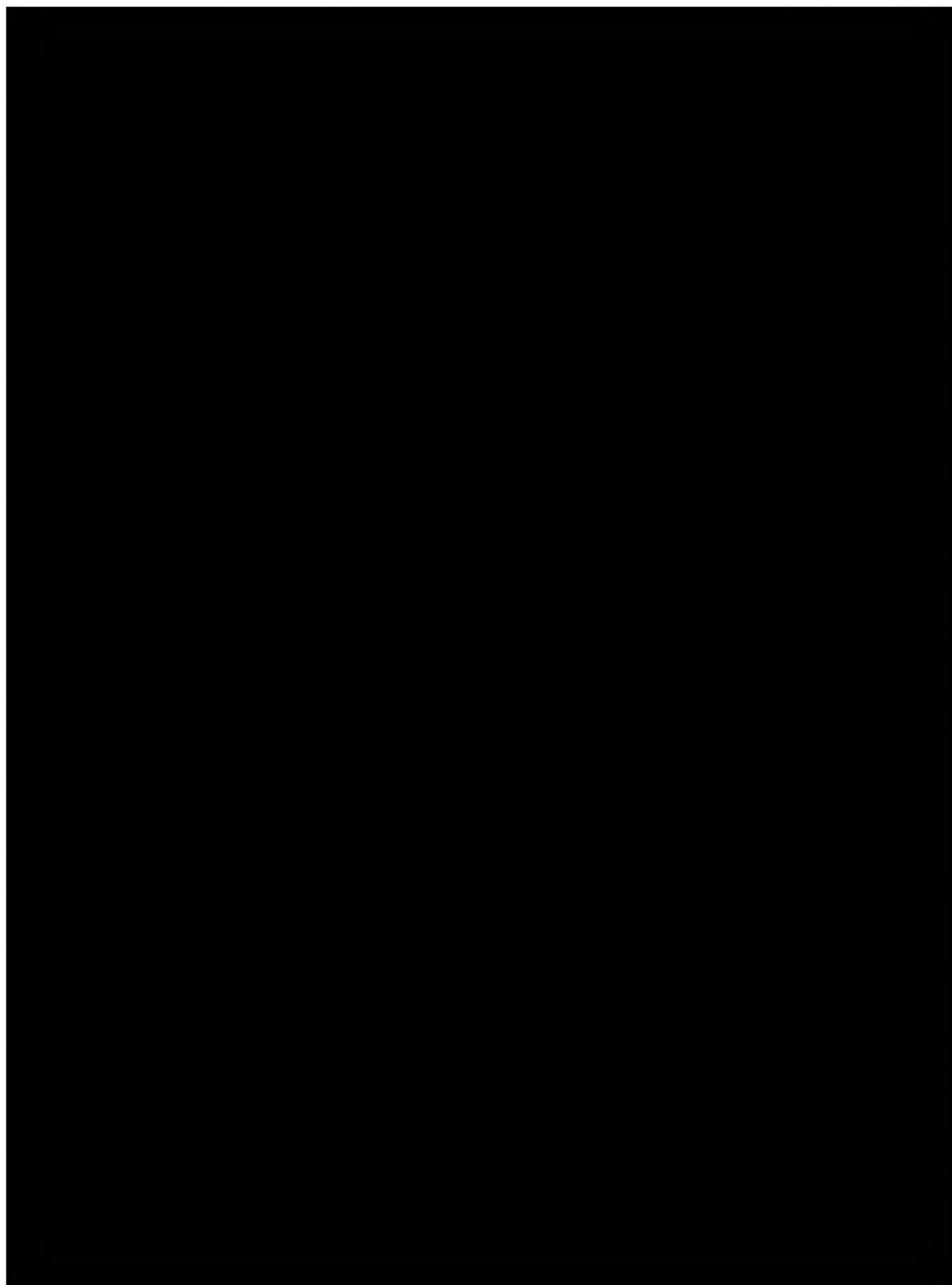


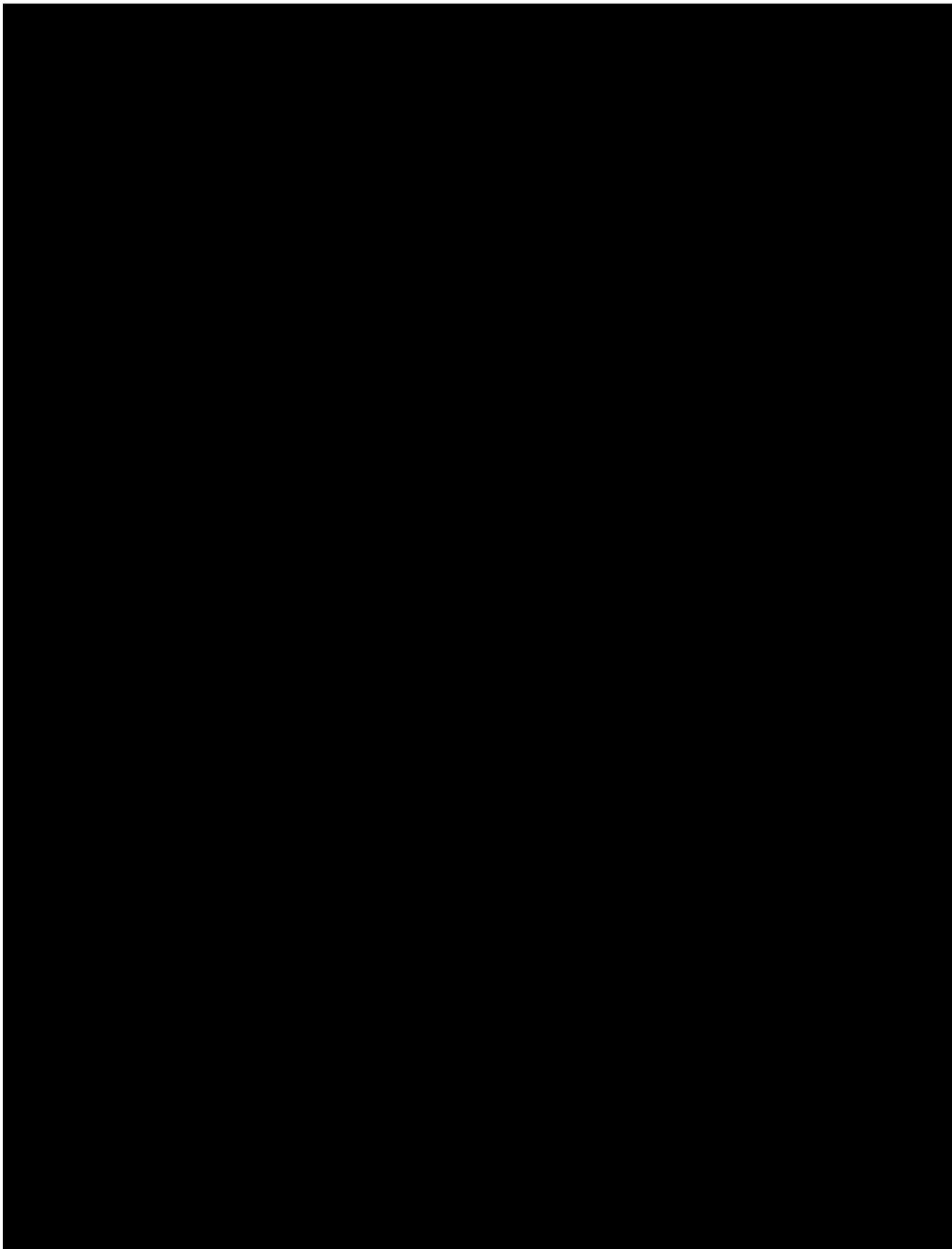


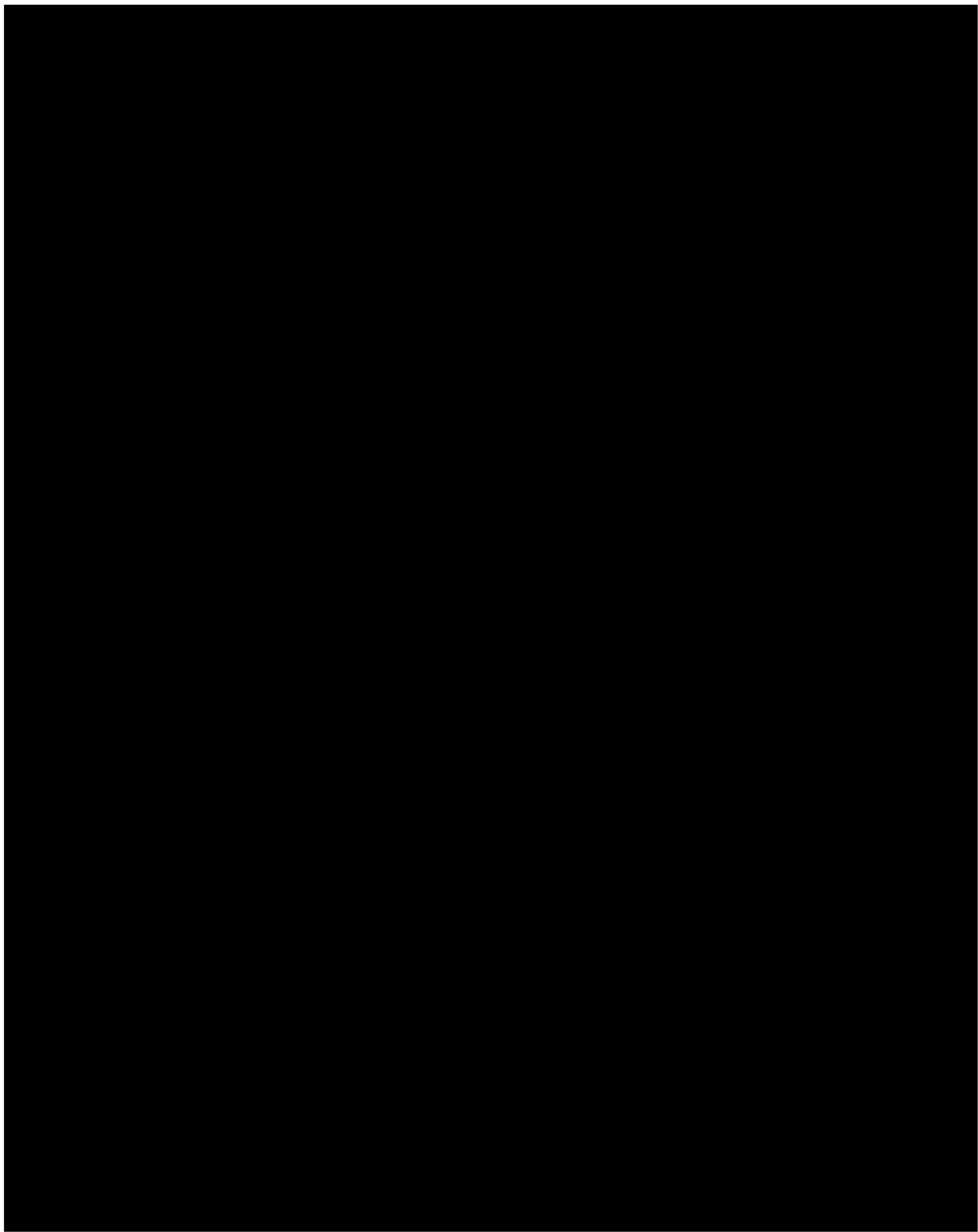




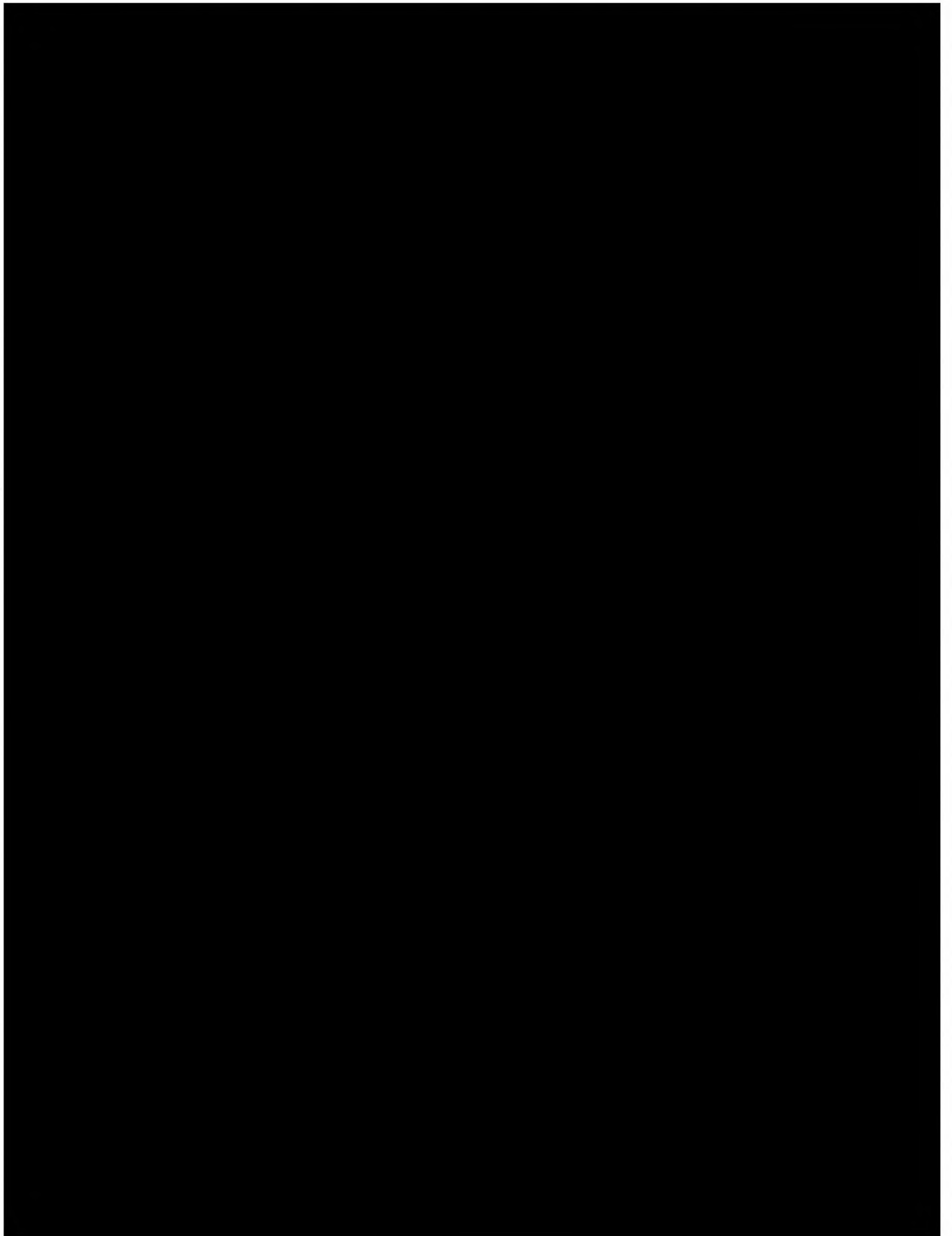


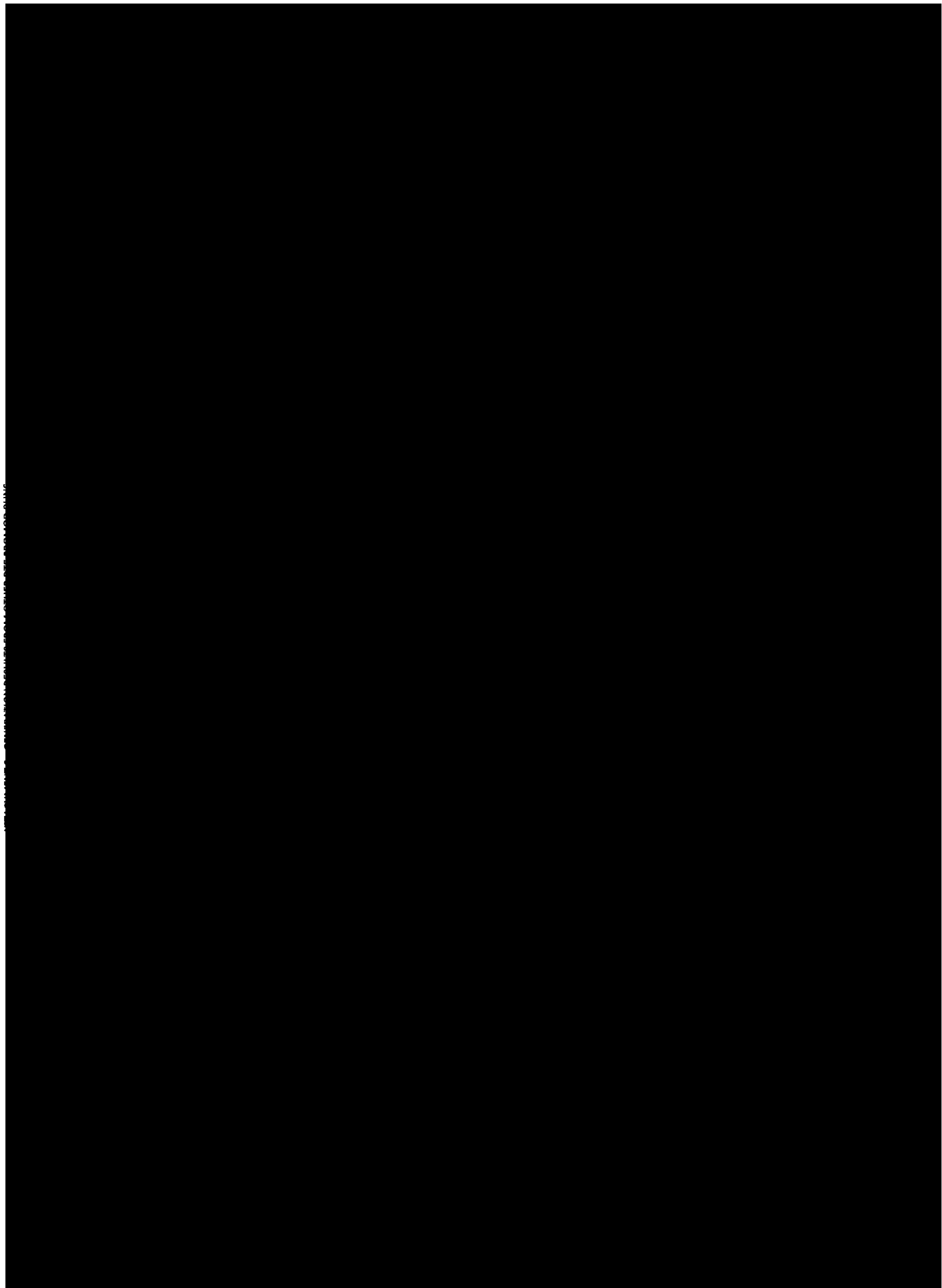


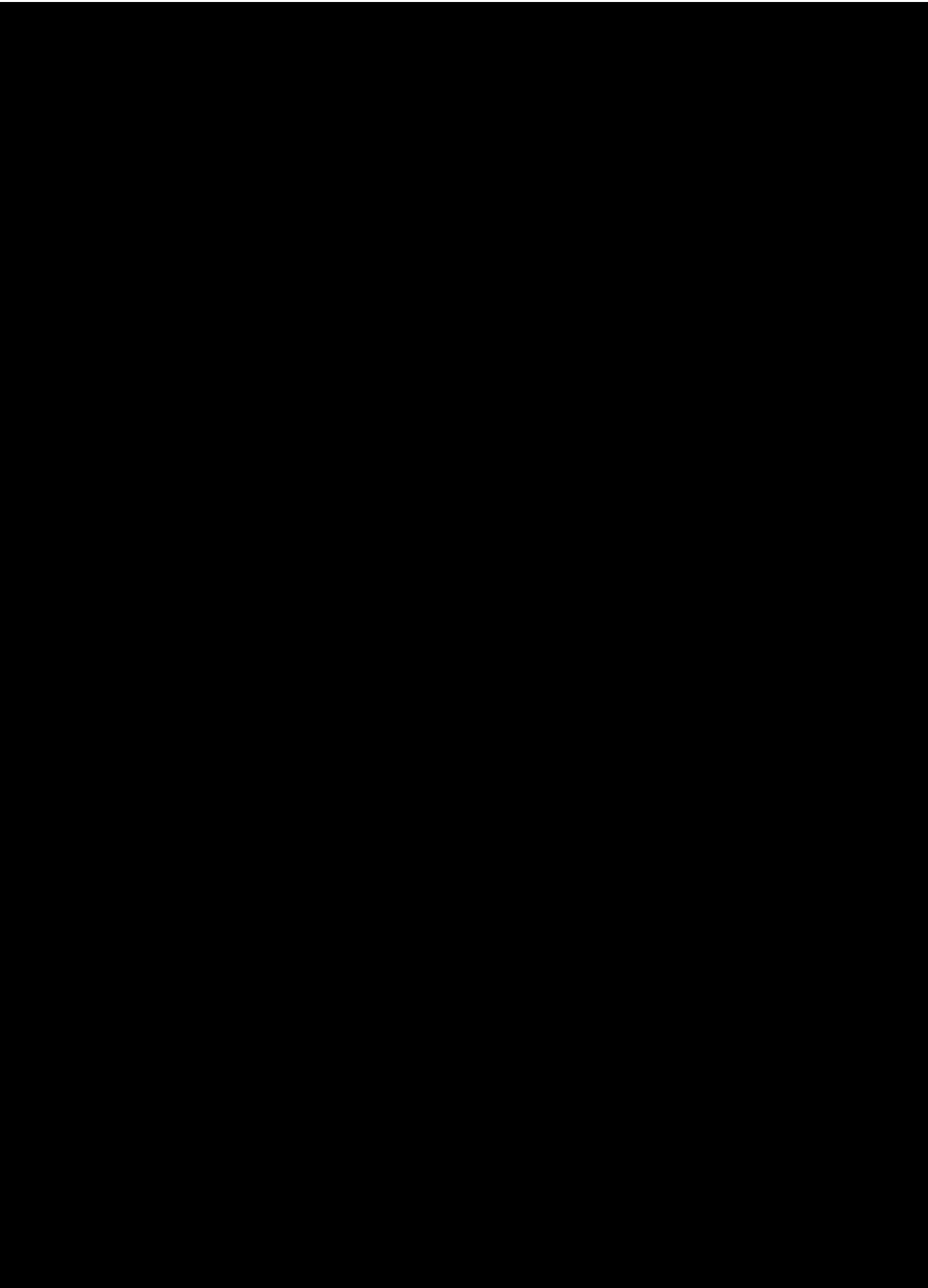


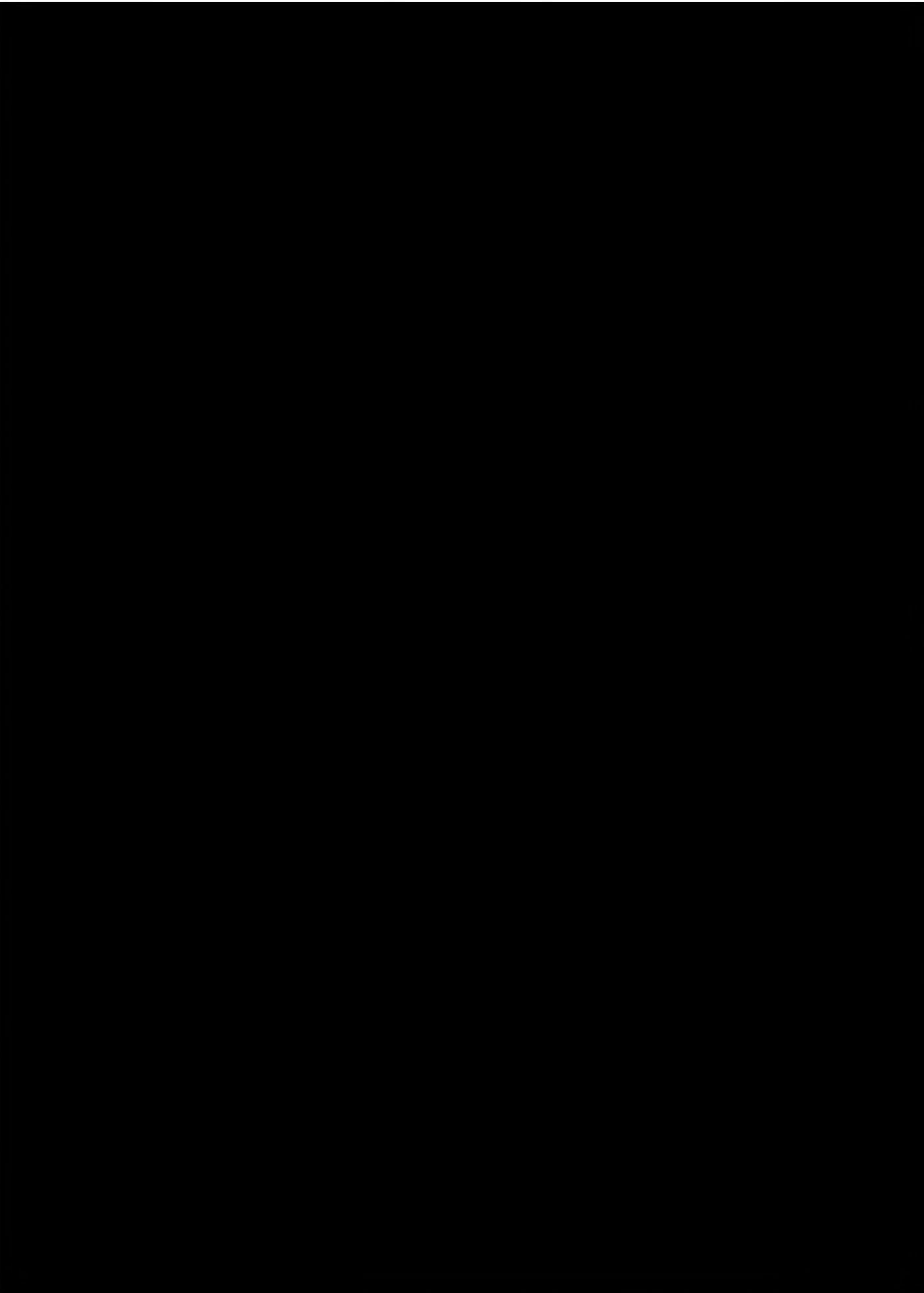






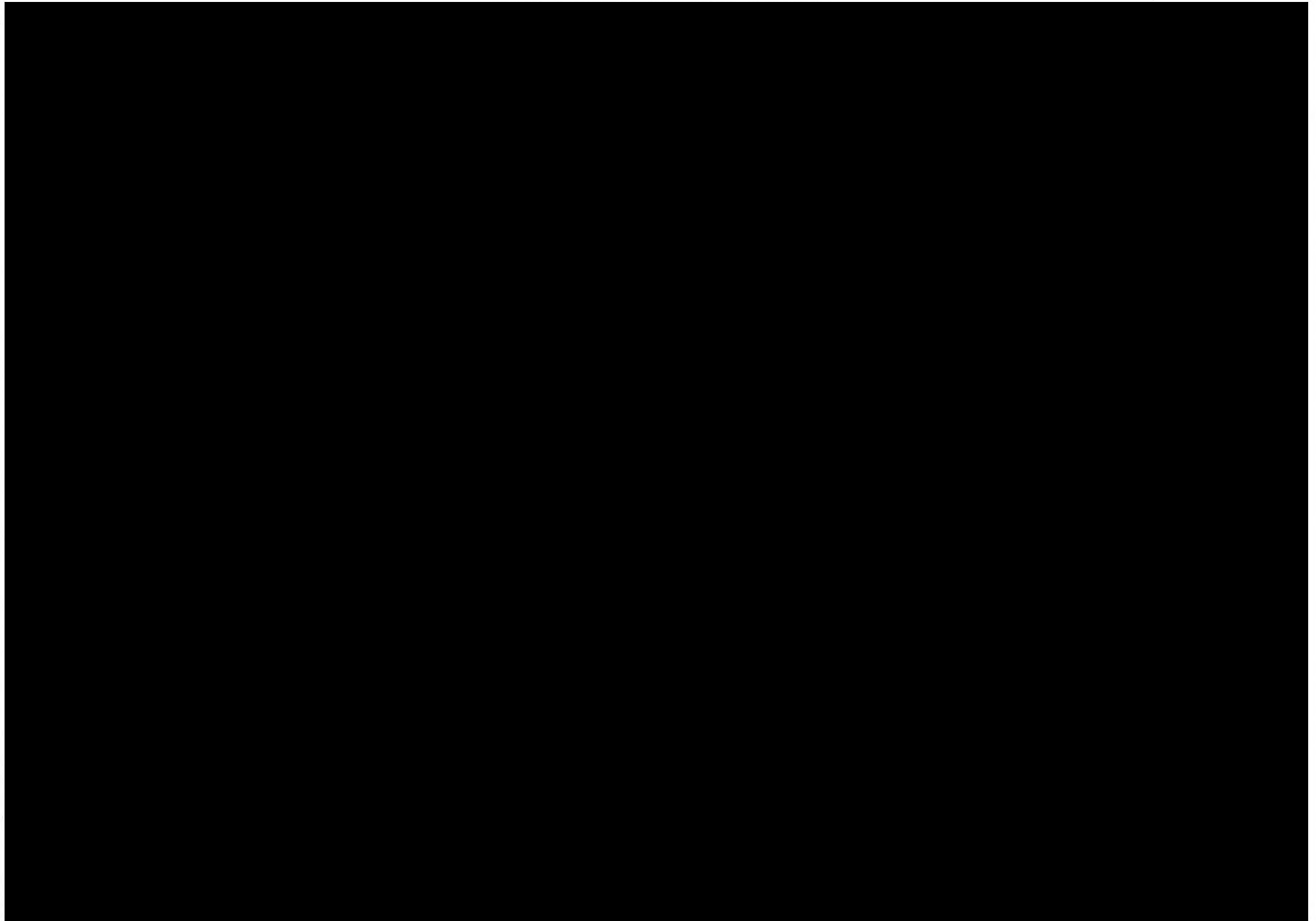


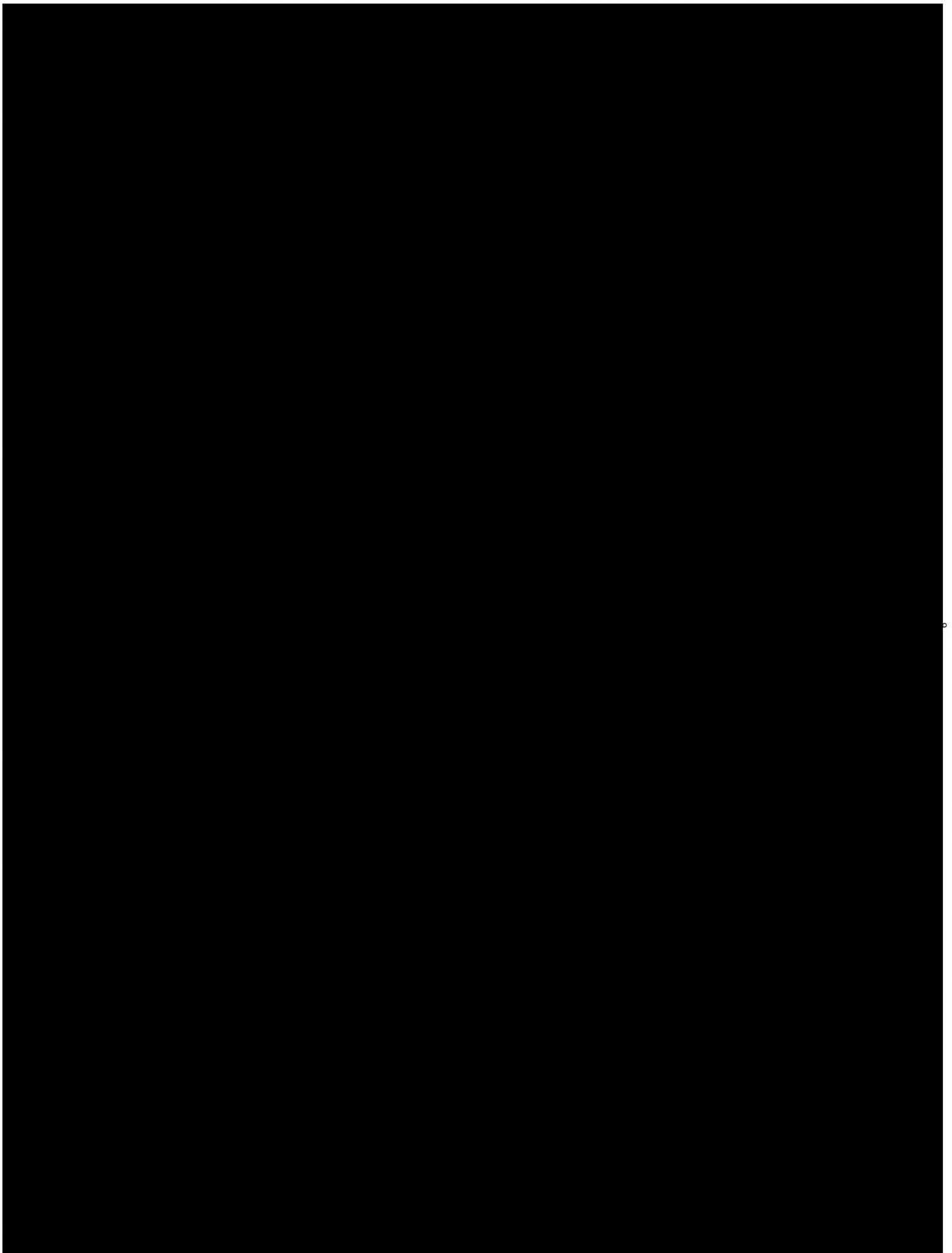


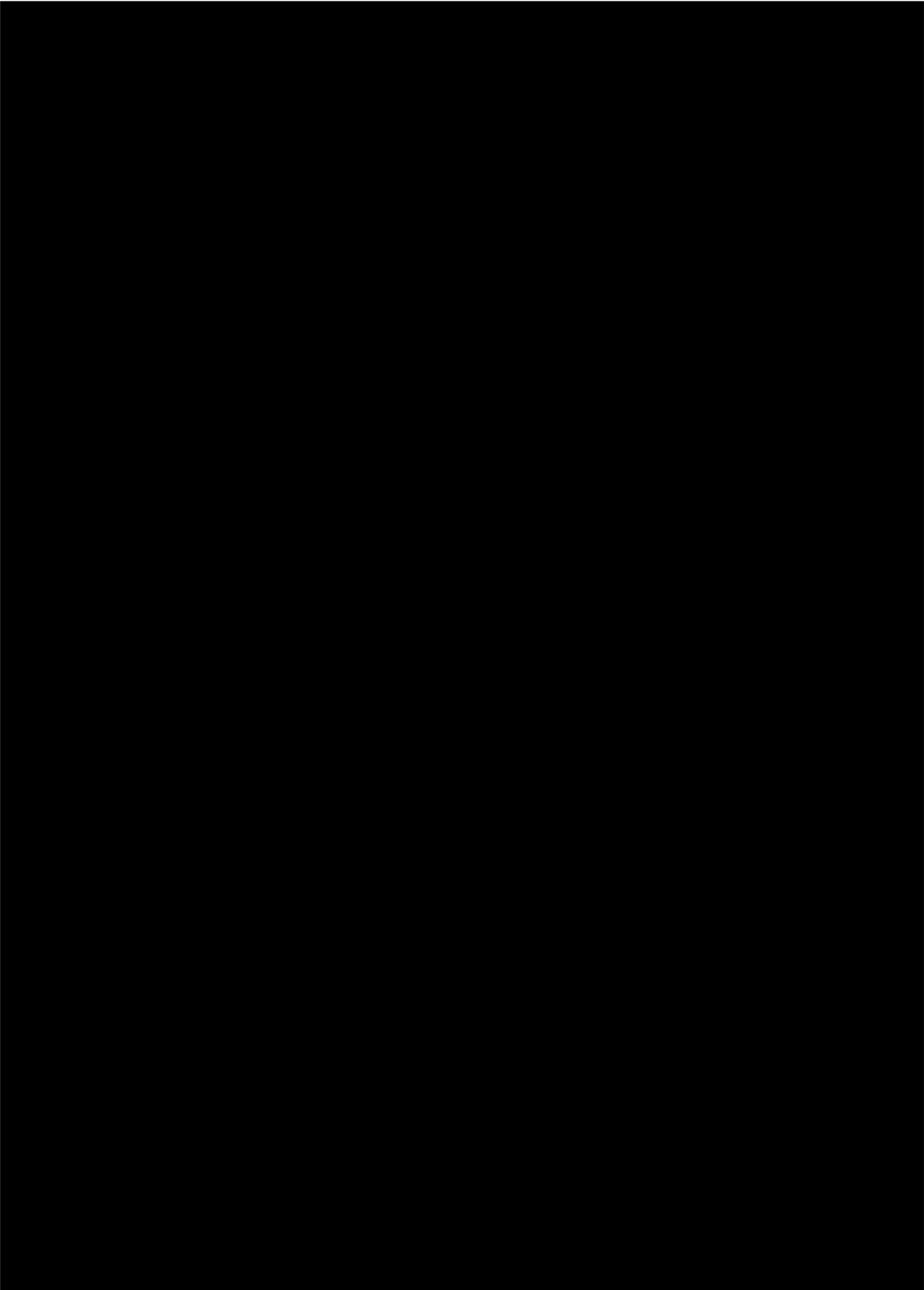


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ATTACHMENT 2 - GENERATION RESULTS FROM OTHER DTE PROMOD RUNS









UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

and

NATURAL RESOURCES DEFENSE  
COUNCIL, INC. AND SIERRA CLUB,

Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND  
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.  
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF MOTION *IN LIMINE* TO  
EXCLUDE THE OPINIONS OF EDWARD ROTHMAN

FILED UNDER SEAL  
CONFIDENTIAL//TRADE SECRET - SUBJECT TO PROTECTIVE ORDER

EXHIBIT 6

Surrebuttal Expert Report of Mike King (Aug. 1, 2011)

